

Exhibit J:
**Plaintiff's Motion for Protective Order Against
the Deposition of John Notarianni and
Defendants' Objection**

Case Number: PC-2013-3207
Filed in Providence/Bristol County Superior Court
Submitted: 5/25/2017 4:08:33 PM
Envelope: 1058026
Reviewer: Carol G.

HEARING DATE: JUNE 9, 2017 AT 9:30 A.M. BEFORE JUDGE KEOUGH

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

PATRICIA SCHMIEDEKNECHT and :
WAYNE SCHMIEDEKNECHT, SR., :
Individually and as p.p.a. GRACE E. :
SCHMIEDEKNECHT, a minor and :
ALLISON K. NEWCUM :

v. :

C.A. No. PC 2013-3207

REX APPENFELLER, M.D.; :
ABDUL R. BARAKAT, M.D.; :
OCEAN STATE PAIN MANAGEMENT, PC; :
ANCHOR MEDICAL ASSOCIATES; :
JOHN and/or JANE DOE, M.D. Alias; :
JOHN and/or JANE DOE, R.N., Alias; and :
JOHN DOE CORPORATION, Alias :

**PLAINTIFFS' (1) OBJECTION TO DEFENDANTS ABDUL R. BARAKAT, M.D.
AND OCEAN STATE PAIN MANAGEMENT, P.C.'S
MOTIONS FOR ISSUANCE OF COMMISSIONS TO TAKE DEPOSITIONS
AND (2) MOTION FOR PROTECTIVE ORDER**

Now come Plaintiffs in the above-entitled matter and both (1) object to Defendants Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.'s motions for issuance of commissions to take an additional five out of state depositions and (2) move for a protective order under Rule 26(c), protecting the Plaintiffs from the undue burden and expense of these irrelevant and cumulative depositions. On May 19, 2017, Defendants Dr. Barakat and Ocean State Pain Management moved in this medical negligence/product liability case for the issuance of commissions to take the following out of state depositions:

1. Derck Carvalho in Massachusetts;
2. Joseph Connolly in Massachusetts;
3. Nicholas Booth in Massachusetts;
4. Beth Reynolds in Massachusetts;

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5. Kenneth Bonneau in Massachusetts.

In Dr. Barakat's answers to interrogatories, he includes almost all the above-named individuals in a trial witness list with the following preamble: "We intend to solicit testimony from individuals who provided both relevant and pertinent information during the federal criminal trial *United States v. Barry J. Cadden, Glen A. Chin* (No. 14-cr-10363-RGS-1 2). The following list of witnesses is the entire witness list for the Government's case and chief [sic]." (Emphasis supplied.)

Plaintiffs object and move for a protective order under Rule 26(c) because if Defendants were allowed to take these additional five irrelevant and cumulative depositions – in Massachusetts – the Plaintiffs would be unduly burdened by the deposition and travel expenses. On their face, these depositions would be a waste of significant time and money.

Upon a motion by a party or by the person from whom discovery is sought, this Court may make "any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including ... (1) That the disclosure or discovery not be had." Super. R. Civ. P. 26(c). Such an order may enter upon the finding of "good cause shown." Super. R. Civ. P. 26(c). In granting or denying discovery motions, "a Superior Court justice has broad discretion." *Colvin v. Lekas*, 731 A.2d 718, 720 (R.I.1999). Additionally, when discovery sought is neither relevant to the subject matter of the pending litigation, nor reasonably calculated to lead to the discovery of admissible evidence, a protective order may enter. *Travelers Ins. Co. v. Hindle*, 748 A.2d 256 (R.I.2000).

The claims in this medical negligence/product liability action arise out of Dr. Barakat's treatment of Patricia Schmiedeknecht for her back pain, including Dr. Barakat injecting Plaintiff with steroids on September 8, 15, 22, and 29, 2012. Dr. Barakat admitted

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under oath that at least the September 22, 2019 spinal injection was from a contaminated vial containing fungal meningitis. Plaintiff then developed fungal meningitis, which triggered numerous serious complications. All of the steroids Dr. Barakat administered to Plaintiff were manufactured and distributed by non-party New England Compounding Center (NECC), which has been the subject of separate bankruptcy and criminal charges related to the fungal meningitis outbreak.

The NECC criminal charges, parties, and witnesses are not relevant to any claim in this matter, which sounds in medical negligence and product liability. Neither Dr. Barakat nor Ocean State Pain Management have any involvement in the NECC bankruptcy or criminal proceedings. And there is no likelihood whatsoever that the NECC witnesses will have knowledge of Dr. Barakat and Ocean State Pain Management's treatment of this patient. For Plaintiffs, prosecuting a fungal meningitis case is already expensive because of the need for medical experts' review and consultation. It would be overtly burdensome if Defendants allowed to somehow turn this case into a cross-country criminal investigation, where neither Plaintiffs nor Defendants have any claims against the NECC entities.

Based on all of the foregoing, Plaintiffs respectfully submit that they have shown good cause and Defendants' motion for commission should be denied and a protective order should enter.

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Plaintiffs,
By their Attorneys,

/s/ Shad Miller
Amato A. DeLuca (#0531)
Shad Miller (#8594)
Candace Brown Casey (#7986)
DeLUCA & WEIZENBAUM, LTD.
199 North Main Street
Providence, RI 02903
(401) 453-1500
(401) 453-1501 Fax

CERTIFICATE OF ATTORNEY

I, Shad Miller, hereby certify that pursuant to Rule 37(a)(2) of the Rhode Island Rules of Civil Procedure, I made a good faith effort by attempting to confer with opposing counsel on May 17, 2017 to resolve the pending discovery issues raised by the foregoing Motion.

/s/ Shad Miller

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STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

PATRICIA SCHMIEDEKNECHT and
WAYNE SCHMIEDEKNECHT, SR.,
Individually and as p.p.a. GRACE E.
SCHMIEDEKNECHT, a minor and
ALLISON K. NEWCUM

v.

C.A. No. PC 2013-3207

REX APPENFELLER, M.D.;
ABDUL R. BARAKAT, M.D.;
OCEAN STATE PAIN MANAGEMENT, PC;
ANCHOR MEDICAL ASSOCIATES;
JOHN and/or JANE DOE, M.D. Alias;
JOHN and/or JANE DOE, R.N., Alias; and
JOHN DOE CORPORATION, Alias

CERTIFICATE OF SERVICE

I hereby certify that on the 25th of May 2017 I e-filed and e-served the following document:

Plaintiffs' (1) Objection to Defendants Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.'s Motions for Issuance of Commissions to Take Depositions and (2) Motion for Protective Order

through the electronic filing system on the following parties:

Sean E. Capplis, Esq.
Capplis & Connors, PC
18 Tremont Street, Suite 220
Boston, MA 02108
Attorneys for Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.

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Barton & Gilman, LLP
10 Dorrance Street, Suite 700
Providence, RI 02903
Attorneys for Rex Appenfeller, M.D. and Anchor Medical Associates

The document electronically filed and served is available for viewing/downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Natalie Iervolino

Case Number: PC-2013-3207
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Submitted: 5/18/2017 11:38:20 AM
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Reviewer: Alexa G.

HEARING DATE: MAY 25, 2017

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

PATRICIA SCHMIEDEKNECHT and
WAYNE SCHMIEDEKNECHT, SR.,
Individually and as p.p.a. GRACE E.
SCIIMIEDEKNECHT, a minor and
ALLISON K. NEWCUM

v. : C.A. No. PC 2013-3207

REX APPENFELLER, M.D.;
ABDUL R. BARAKAT, M.D.;
OCEAN STATE PAIN MANAGEMENT, PC;
ANCHOR MEDICAL ASSOCIATES;
JOHN and/or JANE DOE, M.D. Alias;
JOHN and/or JANE DOE, R.N., Alias; and
JOHN DOE CORPORATION, Alias

**PLAINTIFFS' (1) OBJECTION TO DEFENDANTS ABDUL R. BARAKAT, M.D.
AND OCEAN STATE PAIN MANAGEMENT, P.C.'S
MOTIONS FOR ISSUANCE OF COMMISSIONS TO TAKE DEPOSITIONS
AND (2) MOTION FOR PROTECTIVE ORDER**

Now come Plaintiffs in the above-entitled matter and both (1) object to Defendants Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.'s motions for issuance of commissions to take nineteen out of state depositions and (2) move for a protective order under Rule 26(c), protecting the Plaintiffs from the undue burden and expense of these irrelevant and cumulative depositions. On May 9, 2017, Defendants Dr. Barakat and Ocean State Pain Management moved in this medical negligence/product liability case for the issuance of commissions to take the following out of state depositions:

1. Tiffany Hyde in Oklahoma;
2. Mario Giamei, Jr. in Massachusetts;
3. Annette Robinson in Massachusetts;
4. Barry Cadden in Massachusetts;

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5. Cory Fletcher in New York;
6. Robert Ronzio in Massachusetts;
7. 30(b)(6) of the Food and Drug Administration in Massachusetts;
8. Sarah Albert in Massachusetts;
9. Stacey Degarmo in Maryland;
10. Eric Kastango in New Jersey;
11. Frank Lombardo in Massachusetts;
12. William Frisch in Massachusetts;
13. Samuel Penta in Massachusetts;
14. 30(b)(6) of Unisfirst Corporation d/b/a UniClean Cleanroom Services;
15. Edgardo Camacho in Massachusetts;
16. Suneela Mistry in Massachusetts;
17. 30(b)(6) of Analytical Research Laboratories in Oklahoma;
18. Tom Means in Oklahoma; and
19. Owen Finnigan in Massachusetts.

In Dr. Barakat's answers to interrogatories, he includes almost all the above-named individuals in a trial witness list with the following preamble: "We intend to solicit testimony from individuals who provided both relevant and pertinent information during the federal criminal trial *United States v. Barry J. Cadden, Glen A. Chin* (No. 14-cr-10363-RGS-12). The following list of witnesses is the entire witness list for the Government's case-and-chief [sic]." (Emphasis supplied.)

Plaintiffs object and move for a protective order under Rule 26(c) because if Defendants were allowed to take these nineteen irrelevant and cumulative depositions – in New York, New Jersey, Massachusetts, Maryland, and Oklahoma – the Plaintiffs would be

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unduly burdened by the deposition and travel expenses. On their face, these depositions would be a waste of significant time and money.

Upon a motion by a party or by the person from whom discovery is sought, this Court may make "any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including ... (1) That the disclosure or discovery not be had." Super. R. Civ. P. 26(c). Such an order may enter upon the finding of "good cause shown." Super. R. Civ. P. 26(c). In granting or denying discovery motions, "a Superior Court justice has broad discretion." *Colvin v. Lekas*, 731 A.2d 718, 720 (R.I.1999). Additionally, when discovery sought is neither relevant to the subject matter of the pending litigation, nor reasonably calculated to lead to the discovery of admissible evidence, a protective order may enter. *Travelers Ins. Co. v. Hindle*, 748 A.2d 256 (R.I.2000).

The claims in this medical negligence/product liability action arise out of Dr. Barakat's treatment of Patricia Schmiedeknecht for her back pain, including Dr. Barakat injecting Plaintiff with steroids on September 8, 15, 22, and 29, 2012. Dr. Barakat admitted under oath that at least the September 22, 2012 spinal injection was from a contaminated vial containing fungal meningitis. Plaintiff then developed fungal meningitis, which triggered numerous serious complications. All of the steroids Dr. Barakat administered to Plaintiff were manufactured and distributed by non-party New England Compounding Center (NECC), which has been the subject of separate bankruptcy and criminal charges related to the fungal meningitis outbreak.

The NECC criminal charges, parties, and witnesses are not relevant to any claim in this matter, which sounds in medical negligence and product liability. Neither Dr. Barakat nor Ocean State Pain Management have any involvement in the NECC bankruptcy or

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criminal proceedings. And there is no likelihood whatsoever that the NECC witnesses will have knowledge of Dr. Barakat and Ocean State Pain Management's treatment of this patient. For Plaintiffs, prosecuting a fungal meningitis case is already expensive because of the need for medical experts' review and consultation. It would be overly burdensome if were Defendants allowed to somehow turn this case into a cross-country criminal investigation, where neither Plaintiffs nor Defendants have any claims against the NECC entities.

Based on all of the foregoing, Plaintiffs respectfully submit that they have shown good cause and Defendants' motion for commission should be denied and a protective order should enter.

Plaintiffs,
By their Attorneys,

/s/ Shad Miller
Amato A. DeLuca (#0531)
Shad Miller (#8594)
Candace Brown Casey (#7986)
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CERTIFICATE OF ATTORNEY

I, Shad Miller, hereby certify that pursuant to Rule 37(a)(2) of the Rhode Island Rules of Civil Procedure, I made a good faith effort by attempting to confer with opposing counsel on May 17, 2017 to resolve the pending discovery issues raised by the foregoing Motion.

/s/ Shad Miller

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STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

PATRICIA SCHMIEDEKNECHT and
WAYNE SCHMIEDEKNECHT, SR.,
Individually and as p.p.a. GRACE E.
SCHMIEDEKNECHT, a minor and
ALLISON K. NEWCUM

C.A. No. PC 2013-3207

REX APPENFELLER, M.D.;
ABDUL R. BARAKAT, M.D.;
OCEAN STATE PAIN MANAGEMENT, PC;
ANCHOR MEDICAL ASSOCIATES;
JOHN and/or JANE DOE, M.D. Alias;
JOHN and/or JANE DOE, R.N., Alias; and
JOHN DOE CORPORATION, Alias

CERTIFICATE OF SERVICE

I hereby certify that on the 18th of May 2017 I e-filed and e-served the following document:

*Plaintiffs' (1) Objection to Defendants Abdul R. Barakat, M.D. and
Ocean State Pain Management, P.C.'s Motions for Issuance of Commissions to Take Depositions
and (2) Motion for Protective Order*

through the electronic filing system on the following parties:

Sean E. Capplis, Esq.
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10 Dorrance Street, Suite 700
Providence, RI 02903
Attorneys for Rex Appenfeller, M.D. and Anchor Medical Associates

The document electronically filed and served is available for viewing/downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Natalie Jervolino

Exhibit K:
Memorandum of Law in Support of Defendants'
Motions for Issuance of Commissions to Take
Out-of-State Depositions

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Reviewer: Lynn G.

HEARING DATE: JUNE 9, 2017 AT 9:30 A.M. BEFORE JUDGE KEOUGH

STATE OF RHODE ISLAND

PROVIDENCE, SS	SUPERIOR COURT
	NO: PC-2013-3207
PATRICIA SCHMIEDEKNECHT and)	
WAYNE SCHMIEDEKNECHT, SR.,)	
Individually and as p.p.a. GRACE E.)	
SCHMIEDEKNECHT, a minor,)	
Plaintiffs)	
)
VS.))
)
ABDUL R. BARAKAT, M.D. and OCEAN)	
STATE PAIN MANAGEMENT, P.C., et al.)	
Defendants)	

MEMORANDUM IN SUPPORT OF THE DEFENDANTS, ABDUL R. BARAKAT M.D., & OCEAN STATE PAIN MANAGEMENT, P.C.'S MOTIONS FOR THE ISSUANCE OF COMMISSIONS TO TAKE OUT-OF-STATE DEPOSITIONS AND OBJECTION TO PLAINTIFF'S MOTION FOR PROTECTIVE ORDERS

Now come the Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, P.C., and submit the following memorandum pursuant to the Honorable Justice Keough's request. On May 25, 2017, the parties presented for hearing before Judge Keough to address the Defendants' multiple Motions for the Issuance of Commissions to take out-of-state depositions in addition to one in-state deposition of individuals involved in the 2012 meningitis outbreak relevant to the case at bar. Due to the large number of depositions, Judge Keough ordered the Defendants to provide a summary of the anticipated testimony of each of the twenty-six intended deponents as well as the reasoning for the need of this testimony. Therefore, the Defendants submit the following:

I. FACTUAL BACKGROUND OF THE PRESENT CASE

In September 2012, the Plaintiff, Mrs. Patricia Schmiedeknecht, (hereinafter "the Plaintiff") presented to Ocean State Pain Management (hereinafter "Ocean State") to receive

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medical care from Abdul Barakat, M.D. (hereinafter, "Dr. Barakat") to address her chronic back pain. After completing his examination, Dr. Barakat recommended physical therapy, an MRI, and a series of steroid injections of a drug called methylprednisolone acetate (MPA) into the Plaintiff's back to address her pain. Id. Dr. Barakat performed a total of four procedures, injecting MPA into the Plaintiff's left sacroiliac joint, right sacroiliac joint, transforaminal joint, and right facet lumber spine respectively. The MPA administered to the Plaintiff was purchased by Ocean State from a compounding center in Framingham, MA called the New England Compounding Company ("NECC").

Sometime thereafter, Ocean State was contacted by the NECC and notified that certain lots of MPA had been recalled by the Center for Disease Control and Prevention ("CDC") due to possible contamination. In response to this news, Ocean State segregated all recalled vials of MPA that it purchased from the NECC and made extensive efforts to contact the patients who received epidural steroid injections – including the Plaintiff.

Ocean State made extensive efforts to contact Mrs. Schmiedeknecht, via letter and telephone, regarding the possible contamination and informed her of the signs and symptoms of a potential infection. On or about October 27, 2012, Ocean State learned that the Plaintiff underwent a lumbar puncture at the Miriam Hospital and was subsequently diagnosed with fungal meningitis. It was believed that the Plaintiff's meningitis was caused by the contamination found within the injections of MPA she received in September 2012. A sample of her spinal fluid was analyzed and determined to contain the same type of fungus found in other patients suffering from meningitis who also received injections from the same contaminated lot of MPA sold by the NECC.

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II. PROCEDURAL BACKGROUND OF THE PRESENT CASE

In July 2013, the Plaintiff filed her initial Complaint, followed by an Amended Complaint in September 2013. Since that time, the parties have engaged in extensive discovery, including the exchange of the Plaintiff's extensive medical documentation and the taking of multiple depositions of the Plaintiff, her intended witnesses, the Defendants, and the Defendants' employees.

Nevertheless, there remains one pending deposition noticed by Plaintiff's Counsel for an Ocean State former employee. No new date has been established as of the date of this memorandum.

In January 2017, the Defendants became aware of a number of NECC related individuals who testified during the public trial of Barry Cadden, former lead pharmacist and owner of the NECC. It was only during this three-month trial that the Defendants became aware of the identity and content of the testimony provided by these key players in the outbreak and subsequent investigation. As a result, on May 23, 2017, the Defendants served Supplemental Answers to Interrogatories, identifying a number of potential witnesses to be called in the Defendants' case. These witnesses included former NECC employees, NECC criminal defendants, NECC affiliated entities, and members of the team who were involved in the fungal meningitis outbreak investigation.

The parties met with Judge Vogel on April 21, 2017 for a scheduling conference. At that time, the Defendants addressed the need to take an additional twenty-six depositions of the newly-identified NECC related witnesses who were expected to provide critical information integral to the element of causation in this case. Judge Vogel then ordered that the Defendants expeditiously commence the deposition noticing process. In compliance with Judge Vogel's

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order, the Defendants submitted twenty-five Motions for the Issuance of Commissions to take out-of-state depositions in Massachusetts, Oklahoma, Maryland, New Jersey, and New York. The Defendants also issued a subpoena and Notice to take one Rhode Island deposition.

Unbeknownst to the Defendants (as no such objection was raised during the scheduling conference with Judge Vogel in April 2017), Plaintiff's Counsel filed objections to all of the Defendants' motions in addition to filing a motion for a protective order to prevent the single in-state deposition.

On May 25, 2017, the parties presented before Judge Keough for a hearing on the matter. Judge Keough requested additional information concerning each of the intended depositions and their expected content before ruling on the Defendants' motions.

III. FACTUAL BACKGROUND OF THE CIVIL AND CRIMINAL MATTERS CONCERNING THE NEW ENGLAND COMPOUNDING COMPANY

The Defendants submits that in order for this Ilonorable Court to comprehend the claims at bar, they must explain the events leading up to and following the Plaintiff's allegations and injuries, particularly the involvement of the NECC's criminal and civil investigation and litigation.

The NECC was a Massachusetts corporation allegedly licensed as a pharmacy by the Massachusetts Board of Registration in Pharmacy ("the Board"). Between 1998 until late 2012, the NECC held itself out as a compounding-only pharmacy that prepared, mixed, assembled, packaged, and labeled sterile medications. One such medication was MPA.

The NECC engaged in the business of high-risk compounding. This meant that the NECC manufactured sterile drugs using nonsterile ingredients. It was the NECC's responsibility – to ensure that its final product was sterile – free from any bacterial or fungal contamination – because those drugs were intended to be injected into the human body. In this case, the MPA

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was intended to be injected into the epidural space near a patient's spine. It was the NECC's utmost responsibility – according to both state and federal regulations – to ensure that its product was 100% sterile in order to ensure the health and safety of those patients who received their products. However, in 2012, it became known that the NECC failed to uphold its responsibilities and instead manufactured and sold non-sterile MPA which had become contaminated with an angiophilic fungus. It was determined that the NECC sold 17,600 vials of contaminated MPA vials infected with this fungus, which were shipped to 23 different states. Specifically, these vials were taken from three contaminated lots of MPA -- May 21, 2012, June 29, 2012, and August 10, 2012.

In September 2013, the CDC and Food and Drug Administration ("FDA") began investigating the outbreak of fungal meningitis that spread across the United States. These entities discovered that the meningitis patients had all received injections of contaminated preservative-free MPA manufactured and sold by the NECC. As a result of its extensive investigation, the government entities uncovered a total of 753 cases of fungal meningitis from 20 different states, 64 of which resulted in death. The CDC and FDA estimated that at least 14,000 patients received contaminated MPA injections.¹

During the initial stages of the outbreak investigation, the State of Massachusetts ordered the NECC to recall all MPA vials distributed from the three lots of MPA deemed to be associated with the outbreak. The NECC notified pain clinics around the country, including Defendant Ocean State, of the voluntary recall on September 26, 2012. However, when these clinicians asked the NECC if patients were at risk, the NECC responded "no" and lied about the

¹ The State of Rhode Island had three confirmed illnesses resulting from an NECC related MPA injection; one patient suffering from meningitis only, the second patient suffered from meningitis with a paraspinal or spinal infection, and the third patient suffered from a peripheral joint infection with no meningitis.

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nature of the recall – despite having full knowledge of the meningitis outbreak. The NECC represented that the recall was due to an issue with the vial stoppers, and did not involve a contamination. It was not until days later that the NECC informed its customers that the vials were contaminated and could cause patients to contract fungal meningitis.

During the investigation of the NECC, government entities uncovered tremendous health and safety violations which ultimately caused the MPA to become contaminated. Additionally, it was discovered that the NECC took excessive risk with patient's welfare when it made the decision to put profit over quality.

Firstly, the NECC failed to execute proper sterile technique when compounding its product. It failed to follow its own in-house sterile procedure as well as federal regulations detailing proper compounding protocol set forth by the USP-797. These procedural policies were put in place to ensure that the product was made in a sterile manner to prevent the product from becoming exposed to contamination like bacteria and fungus. However, documented evidence revealed that not only was the NECC ignoring these rules, but its lead pharmacists, Barry Cadden and Glen Chin, were instructing the NECC staff to cut corners in order to generate more product in a shorter amount of time to generate more revenue.

One such example was the improper use of the autoclave machine. An autoclave is an oven-like device which heats its content to a specific temperature and kills any bacteria or other foreign contaminants in or on the items within the autoclave. According to the manual and federal regulations, the autoclave must be run for a certain length of time at a certain temperature to ensure all bacteria and fungus is killed. Despite having written protocols that dictated the mandatory time needed to ensure sterility, the NECC instructed its staff to run the autoclave at a significantly shorter time period than recommended in order to generate more product in a

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shorter amount of time. As a result, the items placed in the autoclave, including beakers and tools needed for compounding as well as the lots of MPA, never reached sterility.

The evidence also showed that the NECC failed to ensure that the MPA sold to its customers was sterile before shipment. Federal regulations required the NECC to test its batches of MPA for sterility before it was sent to clinicians for patient use. The NECC used Analytical Research Laboratories (ARL) to conduct its product sterility testing. However, the evidence revealed that not only was the NECC sending insufficient samples to ARL for testing, but the NECC also shipped product to its clients before ARL completed its analysis. In sum, the NECC violated the regulations to ensure their product was safe for human use in order to generate more profit.

In addition to its reckless disregard for sterility protocol, the NECC also failed to maintain a sterile compounding environment. It was discovered that the NECC staff failed to perform routine cleanings of the clean room and failed to perform adequate environmental sterility checks. As a result, the clean room (which is intended to be completely sterile) became contaminated with bacteria, fungus, dust, and insects. Furthermore, Mr. Cadden was aware of the clean room's condition yet chose to do nothing.

Document evidence revealed that Mr. Cadden was aware of a "fungal bloom" in the clean room in June 2012, the same month that a lot of contaminated MPA was made and sold. Mr. Cadden was also aware of the inadequate cleanings performed by UniClean, an outside company that was hired to perform thorough cleanings of the facility. Mr. Cadden was aware of UniClean's improper use of non-anti-fungal cleaning agents and UniClean employees entering the clean room improperly garbed. Nevertheless, Mr. Cadden elected to take no action.

The NECC concealed its misconduct by manipulating its compounding and shipping

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sheets, altering expiration dates on the individual vials, and lying to customers about its licensing status. The NECC represented that they were a pharmacy but acted like a drug manufacturer. In doing so, the NECC hid its misconduct from the proper oversight agencies and was permitted to engage in fraudulent compounding and sale of unsterile and unsafe medication.

Since the outbreak, numerous employees of the NECC have faced felony indictment, including counts of racketeering, conspiracy, mail fraud, introduction of adulterated drugs into interstate commerce with the intent to defraud and mislead, introduction of misbranded drugs into interstate commerce with the intent to defraud and mislead, aiding and abetting, as well as criminal contempt. Some have also been charged with criminal homicide.

Mr. Cadden was initially brought up on 97 felony charges. In January 2017, the Attorney General's office prosecuted Mr. Cadden in a three-month trial. A jury rendered a verdict against Mr. Cadden, finding him guilty of multiple counts of fraud and racketeering. Mr. Cadden is scheduled to be sentenced in late June 2017, but has also indicated that he intends to appeal the jury verdict.

The criminal trial of Glen Chin is scheduled to begin in September 2017 while the remaining NECC employee trials will commence sometime in 2018.

IV. PROCEDURAL BACKGROUND CONCERNING THE CIVIL AND CRIMINAL MATTERS BROUGHT AGAINST THE NEW ENGLAND COMPOUNDING COMPANY

In addition to the criminal case, the NECC has been named in numerous civil litigations. Due to the volume of cases brought against the NECC, the Judicial Panel on Multi-District Litigation seated in Massachusetts District Court issued an order, pursuant to 28 USC § 1407, transferring the various the NECC-related proceedings throughout the country to the United States District Court of Massachusetts for coordinated Pre-Trial Proceedings. In Re: New England Compounding Pharmacy, Inc., Products Liab. Litig., 924 F. Supp. 2d 1380, 1381

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(Multidistrict Lit. 2013). Although the case at bar is not involved in the MDL litigation, the Defendant has learned of certain common discovery elements through the publicly accessible court docket.

On December 21, 2012, the NECC filed a petition for bankruptcy protection under Chapter 11 of the bankruptcy code. In re: New England Compounding Pharmacy, Inc., Debtor, United States Bankr. Court for the District of Massachusetts, 496 B.R. 256, 260 (D. Mass. 2013). The United States Trustee was subsequently appointed to administer the bankruptcy estate. Id. The NECC, as well as numerous third-party defendants—including the NECC's insurers, the NECC's sterility company hired to maintain the compounding facilities, and several defendant clinics—have agreed to a settlement of over \$150 million.

Regarding the Plaintiffs in the case at bar, both Mr. and Mrs. Schmiedeknecht filed claims in the NECC Bankruptcy case, In re: New England Compounding Pharmacy Inc. No. 12-19882-HJB. Mrs. Schmiedeknecht's claim has been approved by the NECC National Compensation Program. Id. The Committee awarded her an expected settlement amount of \$72,755.76. Id. However, Mrs. Schmiedeknecht has since filed an appeal with the Committee, seeking a second review of her claims to ultimately obtain additional damages. Id.

Throughout the MDL litigation, many individuals have been deposed, providing insight into the NECC's gross negligence and misconduct resulting in the outbreak. Many of those individuals initially testified before the grand jury in exchange for immunity from prosecution. As a result, those individuals refused to testify during the civil depositions.

In early 2015, clinical defendants in the MDL attempted to depose numerous entities and individuals involved in the NECC meningitis outbreak, including the FDA, NECC criminal defendants and unindicted former employees of the NECC as well as its affiliated companies.

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The MDL court ruled that the FDA deposition and criminal defendants' deposition would be stayed "until the resolution of the criminal cases." The court, however, allowed the depositions of unindicted former employees of the NECC and its related affiliates to proceed. Additionally, the MDL court issued an order concerning these depositions, limiting the civil defendants one chance to depose the witnesses so as to prevent the witnesses from testifying to the same topics in multiple cases. As this case at bar was never part of the MDL, it was denied the opportunity to present at these MDL depositions.

V. SUMMARY OF THE ANTICIPATED TESTIMONY OF THE PENDING TWENTY-SIX DEPOSITIONS

The Defendants submit to this Court that extensive efforts have been made before this hearing to put each of these deponents on notice of a pending deposition. Counsel for the Defendants has received word from counsel representing almost all of the following deponents. Each attorney represented that they intend to oppose any attempt to depose their clients, citing to the MDL Deposition Protocol Order, Fifth Amendment Right, and Grand Jury Immunity. For that reason, the Defendants anticipate excessive push back in taking all of these depositions.

It must be noted that the Defendants do not intend to take duplicative depositions. This list is intended to provide the Defendants the opportunity to obtain as much relevant information as is reasonably possible given the circumstances. The Defendants submit that limiting this list at this stage could preclude the Defendants from obtaining the necessary evidence.

The Defendants are willing to compromise this list in the future if they are able to obtain the necessary information as the depositions take place. For example, the list below includes a number of NECC pharmacy technicians. Understanding that this Court wishes to eliminate any duplicative testimony, the Defendants plead this Court not to limit the list of pharmacy technicians at this time. If the Defendants can obtain the testimony of one of these technicians, it

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is likely the Defendants will not need to depose the others. However, as explained above, counsel for these witnesses intend to quash any subpoena for a deposition. Therefore, the Defendants request that this Court allow the Defendants to initiate the Notice process for all of the witnesses and later narrow this list further in the event that the deponents are compliant and provide the necessary information critical to this case.

It must also be noted that this Court has ordered that fact discovery will close in August 2017. Therefore, the Defendants must make every effort to take these depositions as quickly as possible or else lose their right to do so.

A summary of their intended testimony and its relevance to this case is as follows:

I. Kenneth Boneau: Former NECC employee

- a. Mr. Boneau was a former NECC sales representative who worked with the NECC from 2007 through the date of the outbreak. He is expected to testify that he began his NECC career in inside sales and then switched to outside sales in 2009. He is expected to testify that he and Mr. Cadden would discuss ways in which they could sidestep or waive the patient-specific medication ordering requirement as set forth by many state pharmacy boards. He is expected to testify that he lied about the accessibility of preservative-free medications and informed customers that the only way to obtain such medication was through a compounding like the NECC. In doing so, he convinced customers to purchase from the NECC, especially during the certain drug shortage. He is expected to testify that he and Mr. Cadden made several sales calls where the NECC owner would boast about the quality of NECC's lab and product testing. Mr. Boneau is expected to testify that he witnessed Mr. Cadden tell multiple customers that it was impossible for the NECC to have a product recall due to the redundancy of NECC's efforts in quality control. Mr. Boneau is expected to testify that the NECC lied to customers about the degree of their sterility and safety checks of their final product in order to generate more business from desperate customers. He is expected to testify that during the summer before the outbreak, he was ordered to work in the lab to assist in the preparation of drug shipments because of the influx of orders. On at least two occasions, Mr. Boneau worked in the clean room affixing labels to medication for hours at a time, despite having no pharmacy training. Mr. Boneau's testimony is relevant to the present action as it highlights the NECC's scheme to intentionally defraud its customers, like Defendant Ocean State, and persuade physicians, like Dr. Barakat, that the NECC's compounding methods were safe and appropriate for patient use medication. This evidence will show that the NECC concealed the deficiencies with its compounding practices and purposefully falsified documents which were provided to the Defendants. The testimony will show

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that the NECC directly caused the 2012 meningitis outbreak, to which Mrs. Schmiedeknecht fell victim.

2. **Nicholas Booth: Former NECC employee**

- a. Mr. Booth was a former NECC clean room technician. He is expected to testify about the unsanitary conditions of the clean room where the MPA was compounded, including cracks in the floor covered by tape and plastic bags, rusted carts, cracks in the glove box, and improperly functioning air conditioning. Mr. Booth is expected to testify about the NECC's reaction to news of the outbreak. He is expected to testify that when the first report of a potential problem related to NECC came about, nothing changed at NECC. He will testify that it was assumed by the staff that the pain clinics where the injections took place were at fault. However, when other states began reporting fatalities, the NECC abruptly changed course and stopped compounding medication. He will testify that the technicians were ordered to start cleaning to "make everything look good." The technicians fixed broken equipment, including the glove box crack, and conducted a month's worth of cleaning in a 24-hour period. He will testify that when the FDA came in for inspections, lead pharmacist, Glenn Chin, told Mr. Booth to cover the two floor cracks in the clean room with a trash can and table. Mr. Booth's testimony is critical to the present case as it demonstrates the NECC's reckless disregard for patient health as it cut corners and failed to establish a safe and sterile environment when manufacturing epidural medications like MPA. The testimony will show that the NECC directly caused the 2012 meningitis outbreak, to which Mrs. Schmiedeknecht fell victim. Furthermore, the testimony will demonstrate the NECC's attempt to conceal its misconduct from the Defendants.

3. **Derek Carvalho: Former NECC employee**

- a. Mr. Carvalho was a pharmacy technician at the NECC from 2010 until the outbreak. He is expected to testify that he began working as a pharmacy technician assistant and was trained under pharmacist, Gene Syirskiy. He is expected to testify that he was responsible for bringing ingredients from storage into the clean room each morning before the compounding began. He is expected to testify to the severe lack of oversight provided by his superiors as well as the NECC's practice of hiring unlicensed pharmacist to work in the clean room. For example, he is expected to testify that Scott Connelly was promoted to lead technician of Clean Room 2 even though his license has been revoked. He is expected to testify that Mr. Connelly performed compounding but documented that Mr. Cadden, a licensed pharmacist, had completed the tasks. He is expected to testify that in the summer of 2012, he was instructed to remove Mr. Connelly from Clean Room 2 because the Board was arriving that day to conduct an inspection. He is also expected to testify to the unsanitary conditions of the clean room and areas where the compounding took place. He is expected to testify that his work station had a positive "hit" for contamination during environmental testing. He is further expected to testify that his personal touch-plates tested positive for contamination 28 times during the course of his 2-year employment at NECC. Mr. Carvalho's testimony is critical to the present case as it demonstrates the NECC's reckless disregard for patient health as it cut corners and failed to establish a safe and sterile environment when manufacturing epidural medications like MPA. The testimony will show that the NECC directly caused the

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2012 meningitis outbreak, to which Mrs. Schniedeknecht fell victim. Furthermore, the testimony will demonstrate the NECC's attempt to conceal its misconduct from the Defendants.

4. Joseph Connolly: Former NECC employee

- a. Mr. Connolly was an NECC pharmacy technician and acted as a whistleblower against the NECC during the criminal investigation. He is expected to testify about the poor compounding practices at the NECC. He will testify that he used expired ingredients when compounding medications and that his drugs were shipped out with Beyond Use Dates that were months beyond the ingredients' expiration dates. Mr. Connolly will testify that it was commonplace for compounders at the NECC to make drugs with expired ingredients. He is expected to testify that prior to 2012, the NECC routinely shipped drugs to customers before any sterility or potency testing had been completed. He will testify that he raised this concern to head pharmacists like Glenn Chin who explained that these policies were in effect because "that's the way Barry [Cadden] wants it." Mr. Connolly is expected to testify to the poor sanitation in the clean rooms, describing the clean room as "a locker room on steroids." He is expected to testify that the clean room was infected with flies and spiders, and that the NECC leaders failed to address these sanitation issues. He is expected to testify that he and other technicians were instructed to fraudulently fill out the cleaning logs to make it appear as if they were cleaning the workspaces more frequently. Mr. Connelly is expected to testify that the NECC significantly ramped up production in the spring of 2012. At that time, there were four drugs on backorder nationally and NECC was attempting to meet the demand. He will testify that the employees were working seven days a week, late into the night, trying to fill orders. He will testify that Mr. Cadden instructed the pharmacists to institute a calendar which described how much product each technician was expected to produce each day. Mr. Connolly will testify that he told Mr. Chin that the staff was severely overtaxed and warned of potential mistakes. Soon thereafter, an employee twice filtered a product that had no active ingredients in it. On another occasion, an employee began making sodium bicarbonate syringes but mistakenly used potassium chloride (which can cause the heart to go into arrest). Mr. Connolly is expected to testify that he noticed that the wrong color chemical label had been affixed to the product bag, but fortunately he stopped the technician from shipping over 100 syringes to the customer. Mr. Connelly's testimony is critical to the present case as it demonstrates the NECC's reckless disregard for patient health as it cut corners and failed to establish a safe and sterile environment when manufacturing epidural medications like MPA. The testimony will demonstrate the NECC's attempt to conceal its misconduct from the Defendants. The testimony will show that the NECC directly caused the 2012 meningitis outbreak, to which Mrs. Schniedeknecht fell victim.

5. Mario Giamei, Jr.: Former NECC employee

- a. Mr. Giamei was a former NECC sales representative. He was granted immunity by the government in exchange for his testimony against Mr. Cadden. He is expected to testify about the NECC's fraudulent sales practices and discuss how the sale representatives were taught to circumvent the patient-specific prescription requirements. He is expected to testify that he rarely had any contact with physicians and most of his dealings were with nurse managers or clinic directors. He will testify

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that the sales team intentionally directed their efforts at nurse managers and office administrators, people who may not be as adept at recognizing questionable pharmacy practices. He is expected to testify that upon receiving any questions related to fungal testing, the sales team would tell customers that their sterility testing would detect any contamination, thus making fungal testing redundant. Mr. Giamei is expected to testify that he would sometimes suggest responses to customer inquiries in anticipation of Mr. Cadden growing frustrated. Mr. Giamei will testify that he suggested that he could tell a customer to “pound sand” if she continued to ask follow-up questions about the adequacy of NECC’s sterility testing. Mr. Giamei will testify that on one occasion, a customer asked Mr. Giamei what the difference was between Depo-Medrol and MPA. The question was referred to Mr. Cadden who replied, “It’s actually identical except for the lack of a preservative.” Mr. Giamei specified that the customer was asking about preserved MPA. Mr. Cadden replied, “It’s a judgment call. Compounded MPA has the same concentration and same ingredients as Depo-Medrol. I hate to give this all in writing for a preserved product, especially if it’s a trap.” Mr. Giamei will testify that Mr. Cadden was concerned about a regulatory agency potentially finding out that the NECC was producing an identical, preserved copy of Depo-Medrol that was already available in the marketplace and thus in violation of the federal regulations. Mr. Giamei’s testimony is highly relevant to the present action as it highlights the NECC’s scheme to intentionally defraud its customers, like Ocean State, and persuade physicians, like Dr. Barakat, that the NECC’s compounding methods were safe and appropriate for patient use medication. This evidence will show that the NECC concealed the deficiencies with its compounding practices and purposefully falsified documents which were provided to Ocean State. Had the Defendants been aware of the NECC’s improper practices, it would never have purchased MPA from the NECC, thus exposing Mrs. Schmiedeknecht to the contamination.

6. **Beth Reynolds:** *Former NECC employee*

Ms. Reynolds was the Licensing Coordinator of the NECC since 2008. She is expected to testify that she unknowingly aided Barry Cadden and Greg Conigliaro in their scheme to create prescriptions in the aftermath of MEEI’s 2012 complaint. She will testify that when the Board requested proof of prescriptions, Mr. Cadden and Mr. Conigliaro obtained a patient roster from MEEI and asked Ms. Reynolds and another employee to enter the patient information into a blank prescription template. Ms. Reynolds is expected to testify that she printed hundreds of these prescriptions and was uncomfortable about the assignment at the time. Ms. Reynolds will testify that she was also responsible for applying for pharmacy or manufacturing licenses for NECC in states across the country. She will testify that sometime in late 2011 or early 2012, Mr. Cadden asked Ms. Reynolds to research which states permitted compounding “for office use,” which states prohibited the practice, and which states were silent on the issue. Ms. Reynolds will testify that she was uncomfortable performing this task having no understanding of the term “for office use” and having no legal or pharmacy training that would have enabled her to understand the appropriate regulatory language. She will testify that Mr. Cadden specifically instructed her not to contact state boards directly, presumably since this would have alerted the boards that the NECC may have already been engaged in “for office use”

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compounding in violation of state laws without board knowledge. Ms. Reynolds will testify that Mr. Cadden always seemed cautious about “dealing with people who made sure that NECC was following the rules.” Ms. Reynolds’ testimony is relevant to the present action as it highlights the NECC’s scheme to intentionally defraud its customers, like Ocean State, and persuade physicians, like Dr. Barakat, that the NECC’s compounding methods were safe and appropriate for patient use medication. This evidence will show that the NECC concealed the deficiencies with its compounding practices and purposefully falsified documents which were provided to Ocean State. Had the Defendants been aware of the NECC’s improper practices, it would never have purchased MPA from the NECC, thus exposing Mrs. Schmiedeknecht to the contamination.

7. **Annette Robinson:** *Former NECC employee*

- a. Ms. Robinson was the former NECC Quality Control Coordinator. She will testify that she was responsible for environmental monitoring, surface testing, temperature control, and shipping drug samples to ARL for sterility and potency testing. She will testify that she began working at NECC as a pharmacy technician in 2005 where she directly observed Mr. Cadden checking shipments that were going out to customers with fake patient names on the labels. She later switched to Quality Control. She is expected to testify that she became frustrated with her employers who routinely ignored her concerns about the facility’s sanitation issues. She will testify that employees were not filling out the cleaning log sheets appropriately. She will also testify that bugs were being killed with alcohol in the clean room and that numerous fruit flies were found in the lunch room. She will testify that Mr. Cadden asked her to measure at least 12 cracks in the clean room floor which grew larger with every mopping, but Mr. Cadden elected to make no repairs. She will testify that the air conditioning would shut off at night and on weekends throughout 2012. Sometimes the AC would break and temperature and humidity would elevate drastically in the facility. She will testify that Mr. Cadden once went to a store and bought t-shirts and socks for the employees to wear because they were drenched in sweat. Ms. Robinson will testify that she discovered consistent weekly mold and bacteria growth from March 2012 through the outbreak in the clean rooms. She will testify that Mr. Cadden did not appear to take any corrective action during that time span. She will testify that on 7/5/12, mold was found on a shelf where MPA was stored. Ms. Robinson will testify that Mr. Cadden altered the Quality Assurance Report Cards provided to customers so that the environmental sterility check graphs in the reports did not match her findings. Ms. Robinson’s testimony is critical to the present case as it demonstrates the NECC’s reckless disregard for patient health as it cut corners and failed to establish a safe and sterile environment when manufacturing epidural medicals like MPA. It demonstrates the NECC’s willful disregard to known sanitation issues, despite repetitive objection from Mr. Robinson. The testimony will demonstrate the NECC’s attempt to conceal its misconduct from the Defendants. Furthermore, it will demonstrate the NECC’s intentional noncompliance with federal regulations concerning sterile compounding which directly caused the meningitis outbreak in 2012, to which Mrs. Schmiedeknecht fell victim.

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8. Robert Ronzio: Former NECC employee

- a. Mr. Ronzio was the former NECC's National Sales Director. He was charged with conspiracy to defraud the US and FDA. He pled guilty and entered into a plea agreement and cooperation agreement with the USAO on December 19, 2016. Mr. Ronzio worked in sales for the NECC and was tasked with promoting and selling NECC products. He and Mr. Cadden worked on marketing techniques by indicating to their clients that they were compliant with the USP and practiced safe and sterile compounding methods at the facility. He is expected to testify that in late September 2012, Mr. Cadden represented that he believed the NECC was responsible for the meningitis outbreak, yet chose to continue selling MPA to its customers. He is expected to testify that the NECC raised its prices for backordered medication during a nationwide shortage in order to take advantage of the shortage and generate more revenue. He will testify that the NECC created waiver contracts sent to customers to circumvent the patient-specific order regulations. He will testify that the contracts were worthless and a means for the NECC to attempt to avoid an investigation by the state boards. He will testify that he urged Mr. Cadden to register the NECC as a drug manufacturer with the FDA so it could continue selling drugs in bulk. However, Mr. Cadden refused to do so. Mr. Ronzio's testimony is relevant to the present action as it highlights the NECC's scheme to intentionally defraud its customers, like Ocean State, and persuade physicians, like Dr. Barakat, that the NECC's compounding methods were safe and appropriate for patient use medication. This evidence will show that the NECC concealed the deficiencies with its compounding practices and purposefully falsified documents which were provided to Ocean State. But for the NECC's intentional and willful concealment of its improper practices, the Defendants would never have purchased product from the NECC, thus exposing Mrs. Schmiedeknecht to the contaminated MPA.

9. Cory Fletcher: Former NECC employee

- a. Mr. Fletcher was a former pharmacy technician with the NECC. He worked in the same glove box as Glen Chin – lead pharmacist of the NECC. Mr. Fletcher is expected to testify about the NECC's failure to follow the Standard Operative Protocols (SOPs) to ensure sterility of its product. He will testify that under the SOPs, the autoclave machine was to be tested for sterility effectiveness on a regular basis using a biological indicator. The autoclave machine was used by the staff to sterilize objects, such as beakers or bottles. Testing the effectiveness of the autoclave would show how well the machine was sterilizing the instruments to be used in the facility. However, Mr. Fletcher will testify that the autoclave was never tested using a biological indicator. He will also testify that the NECC failed to run the autoclave for the appropriate amount of time. He will further testify that the SOPs stated that the product was not to be shipped until the sterility and potency test results were returned, but rather quarantined until the results were delivered. However, Mr. Fletcher will testify that the products were rarely ever quarantined prior to the delivery of the test results. He will testify that the product was often shipped before the test results were delivered. Mr. Fletcher is expected to testify to using expired ingredient while compounding drugs. He will also testify that he was instructed to soak old vials of MPA in acetone to remove and replace labels in an effort to alter the expiration dates. He will testify he and the other pharmacists mixed old lots of MPA with new lots of

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MPA and tampered with the expiration dates on the forms and labels sent to customers. Mr. Fletcher's testimony is critical to the present case as it demonstrates the NECC's reckless disregard for patient health as it cut corners and failed to establish a safe and sterile environment when manufacturing epidural medicals like MPA. The testimony will demonstrate the NECC's attempt to conceal its misconduct. Furthermore, it will demonstrate the NECC's intentional noncompliance with federal regulations concerning sterile compounding which directly caused the meningitis outbreak in 2012, to which Mrs. Schmiedeknecht fell victim.

10. Owen Finnigan: NECC former employee

Mr. Finnigan was a former pharmacy technician with the NECC. He is expected to testify to using expired ingredient while compounding drugs, to soaking old vials of MPA in acetone to remove and replace labels in an effort to alter the expiration dates, and to failing to use the autoclave properly. He is also expected to testify that he and the other pharmacists mixing old lots of MPA with new lots of MPA and tampering with the expiration dates on the forms and labels of MPA. Mr. Finnigan's testimony is critical to the present case as it demonstrates the NECC's reckless disregard for patient health as it cut corners and failed to establish a safe and sterile environment when manufacturing epidural medicals like MPA. Furthermore, the testimony will demonstrate the NECC's attempt to conceal its misconduct. But for the NECC's intentional and willful concealment of its improper practices, the Defendants would never have purchased product from the NECC, thus exposing Mrs. Schmiedeknecht to the contaminated MPA.

11. John Notarianni, Jr.: Former NECC employee

- a. Mr. Notarianni was a former sales employee. He is expected to testify to the NECC's business model which instructed sale persons to tell health care providers that the NECC's product was superior, thus causing those providers to rely on the false representations and purchase the NECC's medications. Mr. Notarianni's testimony is relevant to the present action as it highlights the NECC's scheme to intentionally defraud its customers, like Ocean State, and persuade physicians that the NECC's compounding methods were safe and appropriate for patient use medication. This evidence will show that the NECC concealed the deficiencies with its compounding practices and purposefully falsified documents which were provided to Ocean State. But for the NECC's intentional and willful concealment of its improper practices, the Defendants would never have purchased product from the NECC, thus exposing Mrs. Schmiedeknecht to the contaminated MPA.

12. Barry Cadden: Former NECC owners and lead pharmacist

- a. As explained above, Mr. Cadden, along with Glen Chin, were the lead pharmacists at the NECC. Mr. Cadden took on a more administrative role at the NECC in 2012 and was heavily involved in the NECC's sales. Mr. Cadden was convicted of multiple felony charges of fraud and racketeering, specific to defrauding his customers of the NECC's compliance with pharmacy regulation requirements. He also developed a scheme to circumvent the regulations concerning patient-specific prescription requirements. Mr. Cadden's business model was designed to persuade customer-physicians that the NECC's compounding methods were safe and appropriate for patient use medication. The NECC concealed the deficiencies with its compounding practices and purposefully defrauded documents which were provided to pain clinics

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like Ocean State. But for the NECC's intentional and willful concealment of its improper practices, the Defendants would never have purchased product from the NECC, thus exposing Mrs. Schmiedeknecht to the contaminated MPA.

13. 30(b)(6) of the Food and Drug Administration

- a. In 2012, the FDA became aware of a nationwide fungal meningitis outbreak in connection to patients who received MPA injections manufactured by the NECC. The FDA was responsible for the oversight of certain compounding facilities to ensure that the facilities were following all necessary safety regulations. However, the FDA will testify that it did not conduct proper oversight of the NECC, especially concerning the compounding of MPA at the NECC. Furthermore, the FDA was involved in the investigation of the NECC following the outbreak. It is expected to testify that the NECC violated numerous federal health and safety regulations as well as regulations concerning the sale of its product. Testimony provided in this deposition will reveal the lack of oversight government agencies had over the NECC, permitting it to continue its illegal practices for an extensive period of time. Furthermore, it will demonstrate the NECC's intentional noncompliance with federal regulations concerning sterile compounding which directly caused the meningitis outbreak in 2012, to which Mrs. Schmiedeknecht fell victim.

14. Sara Albert: Special Agent with the Department of Defense, Defense Criminal Investigative Service

- a. Agent Albert is expected to testify that she was involved in the criminal investigation of the NECC and its employees. She will testify to uncovering a series of e-mails from Mr. Cadden which show evidence of the improper sale of product before sterility test results were completed. Evidence of Ms. Albert's investigation is relevant to the present action as it demonstrates the NECC racketeering scheme, intended to defraud its customers, like Ocean State, and persuade physicians that the NECC's compounding methods were safe and appropriate for patient use medication. But for the NECC's intentional and willful concealment of its improper practices, the Defendants would never have purchased product from the NECC, thus exposing Mrs. Schmiedeknecht to the contaminated MPA.

15. Stacy Degarmo: FDA Consumer Safety Officer

- a. Agent Degarmo is expected to testify that she led the NECC facility site investigation of the in October 2012 following the meningitis outbreak. She will testify that she concluded after a thorough investigation of the facility that the NECC had violated numerous USP regulations. She will provide insight into the numerous health violations exercised by the NECC during the compounding of MPA. Testimony provided in this deposition will reveal the lack of oversight government agencies had over the NECC, permitting it to continue its illegal practices for an extensive period of time. Furthermore, it will demonstrate the NECC's intentional noncompliance with federal regulations concerning sterile compounding which directly caused the meningitis outbreak in 2012, to which Mrs. Schmiedeknecht fell victim.

16. Eric Kastango: United State Attorney General's expert witness in pharmacy regulations

- a. Mr. Kastango is expected to testify that he was involved in the investigation of the NECC and reviewed the CDC's investigation reports. He was on the committee which drafted the USP regulations and, therefore, has extensive knowledge of the federal regulations. He is expected to testify that the NECC violated numerous USP

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regulations and exercised unsanitary and improper compounding methods. This included the failure to verify the autoclave used to sterilize the MPA product, failure to properly sterilize the MPA product in its final packaging, failure to properly test the final product for sterility, improper mislabeling of the MPA product, failure to comply with the environment sterility regulations within the NECC facility, and failure to rectify environmental contamination within the facility. Ms. Kastango's testimony is relevant to the present action as it demonstrates the NECC's illegal practices for an extensive period of time. Furthermore, it will demonstrate the NECC's intentional noncompliance with federal regulations concerning sterile compounding which directly caused the meningitis outbreak in 2012, to which Mrs. Schmiedeknecht fell victim.

17. Frank Lombardo: FDA lead investigator from the Office of Criminal Investigations

Mr. Lombardo is expected to testify that he conducted a raid of the NECC Framingham office in October 2012 and executed several search warrants. He will testify that he confiscated evidence of the NECC's use of expired ingredients in its compounding and order forms using fake patient names. He will provide insight into his investigation and its impact upon the criminal indictment, including the discovery of incriminating e-mails sent by Mr. Cadden to his employees regarding fraudulent sales tactics. Specifically, he will testify to an e-mail sent by Mr. Cadden which instructed his staff to fill out order forms using fake patient names, but to avoid "obvious fake names, like Mickey Mouse." Evidence of Mr. Lombardo's investigation is relevant to the present action as it demonstrates the NECC racketeering scheme, intended to defraud its customers, like Defendant Ocean State, and persuade physicians that the NECC's compounding methods were safe and appropriate for patient use medication. But for the NECC's intentional and willful concealment of its improper practices, the Defendants would never have purchased product from the NECC, thus exposing Mrs. Schmiedeknecht to the contaminated MPA.

18. Samuel Penta: Special Agent of the Massachusetts Pharmacy Board

- a. Mr. Penta is expected to testify that he investigated the NECC following the outbreak in 2012. He will testify that he was struck by an odor of bleach upon entering the NECC facility during the investigation. Mr. Penta will testify that he noticed that the quarantined MPA vials did not have patient names on the labels and no instructions for use. He will testify that he received a distribution list showing that 17,000 vials from the most recent MPA lots had been sent to 23 states. Mr. Penta will testify that he concluded that the NECC was operating as a large-scale manufacturer in violation of its pharmacy license, and the FDA was called in for assistance. He will testify that the Board and FDA did not perform a second visit until 10/1/12 at which time Mr. Cadden continued to refuse to admit that the MPA was the cause of the outbreak. Mr. Penta will testify that he criticized the NECC for testing only 10 mL out of 12,5000 mL batches of product, issuing a long beyond use date of 6 months, and dispensing drugs without patient-specific prescriptions. He will testify that he inspected the quarantined vials of MPA and saw black spots and white string-like material floating in the suspension. He will testify they the vials were later tested and identified the contaminant as a fungus. Mr. Penta will also testify that during this investigation, he noted a recycling facility behind the NECC building, industrial equipment kicking up

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dust, a weigh station in the clean room with green residue on the cabinet walls, and a boiler in the storage room with large puddles of standing water underneath. He will testify that the NECC was asked to voluntarily surrender its pharmacy license on 10/3/12. He will also testify that the Board was involved in two separate investigations of the NECC in 2004 and 2008. He will testify, however, that the Board was made aware of the NECC's prescription regulation violations before the outbreak yet did not investigate the facility until after the outbreak. This testimony is highly relevant to show the NECC's criminal conduct in an attempt to conceal its improper compounding methods. The testimony will also reveal the lack of oversight government agencies had over the NECC, permitting it to continue its illegal practices for an extensive period of time. As a result, the NECC was permitted to continue its practice, thus resulting in the meningitis outbreak in 2012, to which Mrs. Schmiedeknecht fell victim.

19. William Frisch: Massachusetts Pharmacy Board Investigator

- a. Mr. Frisch is expected to testify that he inspected the NECC facility when it opened its new clean room in May 2011. He will testify that Massachusetts did not permit "for office use" compounding and that NECC was not entitled to rely on any exceptions in other jurisdictions across the country. Mr. Frisch will testify that the contracts NECC used to circumvent the prescription issue were invalid in Massachusetts. Mr. Frisch will testify that he inspected the NECC when the facility opened its new clean room in May 2011. Over the course of a 90-minute visit, Mr. Frisch spoke with Mr. Cadden and Mr. Conigliaro and filled out an inspection checklist. He did not tour the clean room and stated that his training did not require it. He will testify that he reviewed employee licenses to make sure all pharmacy technicians were properly licensed. Technician Scott Connolly, who had been working at NECC for years without a license, was not disclosed by Mr. Cadden. Mr. Frisch made a notation on his report that Mr. Cadden reported shipping only 100 orders per day from the Framingham facility. Mr. Frisch and Mr. Cadden endorsed the final inspection report and Mr. Cadden never stated that anything in the report was inaccurate before signing. This testimony is highly relevant to show the NECC's criminal conduct in an attempt to conceal its improper compounding methods. The testimony will also reveal the lack of oversight government agencies had over the NECC, permitting it to continue its illegal practices for an extensive period of time. As a result, the NECC was permitted to continue its practice, thus resulting in the meningitis outbreak in 2012, to which Mrs. Schmiedeknecht fell victim.

20. 30(b)(6) of UniClean

- a. UniFirst or UniClean is a company that specialized in the cleaning of compounding facility clean rooms such as the one at the NECC. Clean rooms are intended to be sterile and, therefore, require special methods of cleaning. UniClean will provide information regarding its improper cleaning methods used at the NECC and Mr. Cadden's knowledge of their methods. It will also provide information regarding the NECC's knowledge of fungal contaminant within the clean room and failure to address the fungus issue. This testimony is pertinent to the present action as it demonstrated the NECC's reckless disregard for patient health when creating its medication. It shows that the NECC failed to take the necessary precautions in establishing a clean and sterile environment when creating the MPA. It further

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demonstrates that the NECC's misconduct was the direct cause of the meningitis outbreak in 2012, to which Mrs. Schmiedeknecht fell victim.

21. Edgardo Camacho: *UniClean employee*

- a. Mr. Camacho is expected to testify that he was one of the UniClean employees who was hired to clean the NECC's clean room. He is expected to testify that he entered the clean room improperly garbed and in street clothes, thus exposing the clean room to foreign contaminants. He is further expected to testify that he used improper cleaning techniques on the floors and walls of the NECC clean room. This testimony is pertinent to the present action as it demonstrated the NECC's reckless disregard for patient health when creating its medication. It shows that the NECC failed to take the necessary precautions in establishing a clean and sterile environment when creating the MPA. It further demonstrates that the NECC's misconduct was the direct cause of the meningitis outbreak in 2012, to which Mrs. Schmiedeknecht fell victim.

22. Edwin Cardona: *Contamination Control Manager with UniClean*

- a. Mr. Cardona is expected to testify that in 2012, the NECC cleanrooms were cleaned by Ricardo Dos Santos and Edgardo Camacho. He is expected to testify that the NECC's monthly cleaning did not include vacuuming of ceilings or inside lights or hepa filters. He is expected to testify that the technicians only had 90 minutes to clean the NECC cleanrooms. Mr. Cardona is expected to testify that he was not surprised mold was found in the NECC cleanroom. He is expected to testify that he did not know what NECC made, only that it was a biopharmaceutical company. He is expected to testify that he did not know what "sterile compounding" meant. He is expected to testify that UniClean use improper equipment and cleaning techniques when cleaning the NECC facility. He is expected to testify that Mr. Cadden was aware of a mold issue in the clean room before the outbreak and that Mr. Cadden was aware of UniClean employee's improper cleaning methods. This testimony is pertinent to the present action as it demonstrated the NECC's reckless disregard for patient health when creating its medication. It shows that the NECC failed to take the necessary precautions in establishing a clean and sterile environment when creating the MPA. It further demonstrates that the NECC's misconduct was the direct cause of the meningitis outbreak in 2012, to which Mrs. Schmiedeknecht fell victim.

23. Suneela Mistry: *UniClean supervisor*

- a. Ms. Mistry is expected to testify that UniClean was a division of UniFirst and that she had worked for UniClean for over thirteen years. She is expected to testify that she had been the General Manager of UniClean since 2011. She is expected to testify that UniClean was hired by the NECC to clean its clean rooms since 2008. She is expected to testify that UniClean performed monthly cleanings and were responsible for cleaning the ceilings and walls of the clean rooms. She is expected to testify that UniClean was instructed by the NECC to use water to clean the clean room and failed to use an anti-fungal cleaner to prevent the growth of mold. This testimony is pertinent to the present action as it demonstrated the NECC's reckless disregard for patient health when creating its medication. It shows that the NECC failed to take the necessary precautions in establishing a clean and sterile environment when creating the MPA. It further demonstrates that the NECC's misconduct was the direct cause of the meningitis outbreak in 2012, to which Mrs. Schmiedeknecht fell victim.

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24. 30(b)(6) of Analytical Research Laboratories

ARL was an outside testing facility which analyzed the final product made by the NECC for sterility and potency. The NECC sent samples of its final product to ARL allegedly before shipping the product to its customers. However, this deposition will reveal evidence that the NECC failed to provide ARL with proper sample sizes of its product and further failed to wait for ARL's final analysis before shipping the product to its customers. This testimony is pertinent to the present action as it demonstrated the NECC's reckless disregard for patient health when creating its medication, and rather put profit before patient safety. It further demonstrates that the NECC's misconduct was the direct cause of the meningitis outbreak in 2012, to which Mrs. Schmiedeknecht fell victim.

25. Tiffany Hyde: Analyst at Analytic Research Laboratories

- a. Ms. Hyde is expected to testify that she worked for the lab hired by the NECC to conduct MPA sterility and potency testing. Ms. Hyde will testify that the samples of MPA sent from the NECC to ARL after the outbreak tested positive of eleven different types of fungi. She will also testify that the samples sent from the NECC throughout its practice were insufficient for testing the sterility of the 51,000-mL stock of MPA. This testimony is pertinent to the present action as it demonstrated the NECC's reckless disregard for patient health when creating its medication, and rather put profit before patient safety. It further demonstrates that the NECC's misconduct was the direct cause of the meningitis outbreak in 2012, to which Mrs. Schmiedeknecht fell victim.

26. Tom Means: Quality Officer of Analytical Research Laboratories

- a. Mr. Means is expected to testify that ARL performed the potency and sterility testing for samples of product produced by the NECC. He will discuss ARL's process of testing the samples and how it reported the results to the NECC. He will explain that the NECC failed to hold its product until ARL had completed its analysis to ensure the product was sterile. This testimony is pertinent to the present action as it demonstrated the NECC's reckless disregard for patient health when creating its medication, and rather put profit before patient safety. It further demonstrates that the NECC's misconduct was the direct cause of the meningitis outbreak in 2012, to which Mrs. Schmiedeknecht fell victim.

VI. ARGUMENT IN SUPPORT THE DEFENDANTS' MOTION

It is clear that the NECC's conduct is integral to the element of causation in this matter.

This is further supported by the fact that the Plaintiff has acknowledged that she was a victim of the NECC fungal meningitis outbreak and subsequently filed a claim against the NECC. But for the NECC's failure to follow federal and state regulations regarding high-risk compounding, failure to ensure its MPA was free from contamination, failure to keep its facility sterile, and it willful engagement in fraudulent sales practices thus deceiving Ocean State as to its licensing

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status, the Plaintiff would never have contracted fungal meningitis. The Defendants must be provided the opportunity to gather and analyze evidence demonstrating the NECC's conduct and how that conduct directly resulted in the Plaintiff's injuries. Furthermore, the Defendants must be allowed the opportunity to gather evidence to show the lack of supervision over the NECC from relevant government entities, thus resulting in the 2012 outbreak.

Despite the Plaintiff's assertions, these depositions are critical to the case at bar. A jury must be given the opportunity to analyze the NECC's conduct as a potential superseding intervening cause to the Plaintiff's injuries. Furthermore, the jury must be provided the opportunity to review evidence of the NECC's scheme to defraud Ocean State, who relied upon false representations made by the NECC concerning the sterility of its product and its compliance with mandatory regulating bodies.

VII. CONCLUSION

WHEREFORE, the Defendants, Abdul Barakat, M.D. and Ocean State Pain Management, P.C., humbly request that this Honorable Court grant its twenty-five motions for the issuance of commissions to take out-of-state depositions in Massachusetts, Oklahoma, New York, New Jersey, and Maryland and further deny the Plaintiff's motion for protective order preventing the in-state deposition of Mr. Notarianni, Jr.

Respectfully submitted,
By their attorney,

/s/ Alysson M. Gray
CAPPILIS, CONNORS, & CARROLL, P.C.
ALYSSON M. GRAY
Reg. # 9285
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0122

Case Number: PC-2013-3207
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STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor,)
Plaintiffs)
VS.)
))
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al.)
Defendants)

CERTIFICATE OF SERVICE

I, Alysson M. Gray, attorney for said defendants, hereby make oath that I have this day served a copy of the attached:

**MEMORANDUM IN SUPPORT OF THE DEFENDANTS, ABDUL R. BARAKAT M.D.
& OCEAN STATE PAIN MANAGEMENT, P.C.'S MOTIONS FOR THE ISSUANCE OF
COMMISSIONS TO TAKE OUT-OF-STATE DEPOSITIONS AND OBJECTION TO
PLAINTIFF'S MOTION FOR PROTECTIVE ORDERS**

upon all parties, through the e-filing system directed to:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

Signed under the pains and penalties of perjury.

DATED: 6/7/2017

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. #9285
Capplis, Connors & Carroll, PC
18 Tremont Street - Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

Exhibit L:
**Order Granting Defendants' Motions for the
Issuance of Commissions to Take Out-of-State
Depositions and Signed Commissions**

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Reviewer: Lynn G.

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
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PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

**ORDER GRANTING DEFENDANTS' TWENTY-FIVE MOTIONS FOR THE
ISSUANCE OF COMMISSIONS TO TAKE DEPOSITIONS IN MASSACHUSETTS,
MARYLAND, OKLAHOMA, NEW JERSEY, AND NEW YORK**

This matter was scheduled for hearing on May 25, 2017 and continued to June 9, 2017 before the Honorable Justice Keough in Providence Superior Court to address the Defendants' twenty-five *Motions for Issuance of Commission to Take Out-of-State Depositions* in Massachusetts, Maryland, Oklahoma, New Jersey and New York. After hearing thereon, it is hereby:

ORDERED, ADJUDGED AND DECREED

- I. Defendants' twenty-five Motions for Issuance of Commissions to Take Out-of-State Depositions are **GRANTED**. Any appropriate authority of the applicable states are authorized to issue the deposition subpoenas.
- II. This order applies to the following motions previously filed separately with this Honorable Court.
 1. *Defendants' Motion for Issuance of Commission to Take Deposition in Massachusetts of Witness Kenneth Boneau*
 2. *Defendants' Motion for Issuance of Commission to Take Deposition in Massachusetts of*

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Witness Nicholas Booth

3. *Defendants' Motion for Issuance of Commission to Take Deposition in Massachusetts of Witness Derek Carvalho*
4. *Defendants' Motion for Issuance of Commission to Take Deposition in Massachusetts of Witness Joseph Connolly*
5. *Defendants' Motion for Issuance of Commission to Take Deposition in Massachusetts of Witness Mario Giamei, Jr.*
6. *Defendants' Motion for Issuance of Commission to Take Deposition in Massachusetts of Witness Beth Reynolds*
7. *Defendants' Motion for Issuance of Commission to Take Deposition in Massachusetts of Witness Annette Robinson*
8. *Defendants' Motion for Issuance of Commission to Take Deposition in Massachusetts of Witness Robert Ronzio*
9. *Defendants' Motion for Issuance of Commission to Take Deposition in New York of Witness Cory Fletcher*
10. *Defendants' Motion for Issuance of Commission to Take Deposition in Massachusetts of Witness Owen Finnigan*
11. *Defendants' Motion for Issuance of Commission to Take Deposition in Massachusetts of Witness Barry Cadden*
12. *Defendants' Motion for Issuance of Commission to Take Deposition in Massachusetts of Witness Sarah Albert*
13. *Defendants' Motion for Issuance of Commission to Take Deposition in Maryland of Witness Stacey Degarmo*
14. *Defendants' Motion for Issuance of Commission to Take Deposition in New Jersey of Witness Eric Kastango*
15. *Defendants' Motion for Issuance of Commission to Take Deposition in Massachusetts of Witness Frank Lombardo*
16. *Defendants' Motion for Issuance of Commission to Take Deposition in Massachusetts of Witness Samuel Penta*
17. *Defendants' Motion for Issuance of Commission to Take Deposition in Massachusetts of Witness William Frisch*

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18. Defendants' Motion for Issuance of Commission to Take the 30(b)(6) Deposition in Massachusetts of Witness the Food and Drug Administration
19. Defendants' Motion for Issuance of Commission to Take the 30(b)(6) Deposition in Massachusetts of Witness the UniFirst Corporation A/D/B/A/ UniClean Cleanroom Services
20. Defendants' Motion for Issuance of Commission to Take Deposition in Massachusetts of Witness Edgardo Camacho
21. Defendants' Motion for Issuance of Commission to Take Deposition in Massachusetts of Witness Edwin Cardona
22. Defendants' Motion for Issuance of Commission to Take Deposition in Massachusetts of Witness Suneela Mistry
23. Defendants' Motion for Issuance of Commission to Take Deposition in Oklahoma of Witness Tiffany Hyde
24. Defendants' Motion for Issuance of Commission to Take Deposition in Oklahoma of Witness Tom Means
25. Defendants' Motion for Issuance of Commission to Take the 30(b)(6) Deposition in Oklahoma of Witness Analytical Research Laboratories

- III. Following the issuance of the appropriate subpoenas and subsequent scheduling of the depositions, this Court shall hear additional motions of the parties regarding matters of scope, cost, etc. should the need arise.
- IV. By agreement of the parties, the Defendants shall make every effort to communicate with the parties concerning the status of all out-of-state court filings and deposition scheduling.

ENTERED as an Order of this Court on ____ day of ____, 2017.

ENTER:

BY ORDER:

/s/ Maureen B. Keough

Justice of the Superior Court
Date:

June 20, 2017

/s/ Demonica C. Lynch

Justice of the Superior Court
Date:

Case Number: PC-2013-3207
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Reviewer: Lynn G.

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

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WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 12 day of June 2017, I served and filed the following document:

**ORDER GRANTING DEFENDANTS' TWENTY-FIVE MOTIONS FOR ISSUANCE OF
COMMISSIONS TO TAKE OUT-OF-STATE DEPOSITIONS**

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

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STATE OF RHODE ISLAND

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STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Kenneth Boneau** (Framingham, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereto. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of **Kenneth Boneau**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/17

Presented By:

BY ORDER:

Clerk
Date:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
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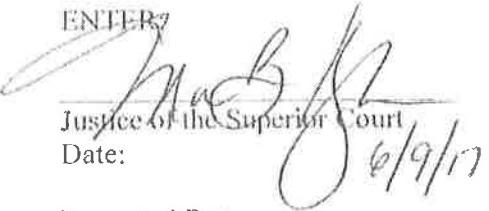
COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Nicholas Booth** (Framingham, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

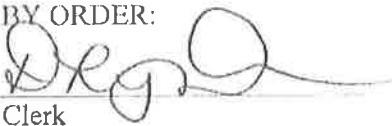
Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of **Nicholas Booth**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTERED:


Justice of the Superior Court
Date: 6/9/17

BY ORDER:


Clerk
Date:

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
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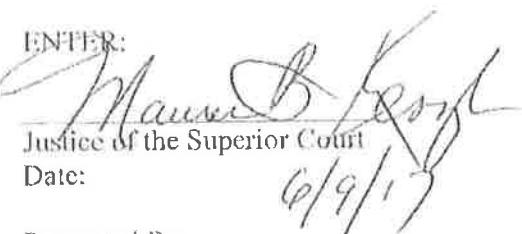
COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Derek Carvalho** (Hudson, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of **Derek Carvalho**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:


Justice of the Superior Court
Date: 6/9/17

Presented By:

BY ORDER:


Clerk
Date:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
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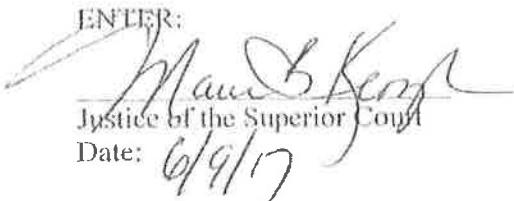
COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Joseph Connolly** (Mansfield, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of **Joseph Connolly**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:


Justice of the Superior Court

Date: 6/9/17

Presented By:

BY ORDER:


Clerk

Date:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
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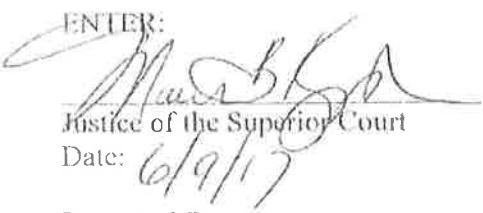
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STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the **State of Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Mario Giamei, Jr.** (86 Boston Road, Sutton, MA 01590), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the **State of Massachusetts** is hereby required to take the deposition of **Mario Giamei, Jr.**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/17

Presented By:

BY ORDER:

Clerk
Date:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ceclaw.org

Case Number: PC-2013-3207
Filed in Providence/Bristol County Superior Court
Submitted: 6/12/2017 2:07:33 PM
Envelope: 1078789
Reviewer: Lynn G.

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Beth Reynolds** (Framingham, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of **Beth Reynolds**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/17

Presented By:

BY ORDER:

Clerk
Date:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
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agray@ccclaw.org

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STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the **State of Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Annette Robinson** (3 Auciello Drive, Hopkinton, MA 01748), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the **State of Massachusetts** is hereby required to take the deposition of **Annette Robinson**, and to return the transcript of the same with a copy of this commission to: **Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.**

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/17

Presented By:

BY ORDER:

Clerk
Date:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street -- Suite 330
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agray@ccclaw.org

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STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

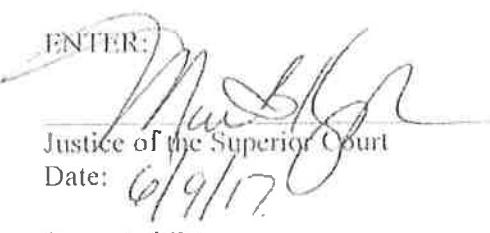
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the **State of Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Robert Ronzio**, on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the **State of Massachusetts** is hereby required to take the deposition of **Robert Ronzio**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/17

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Clerk
Date:

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
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STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

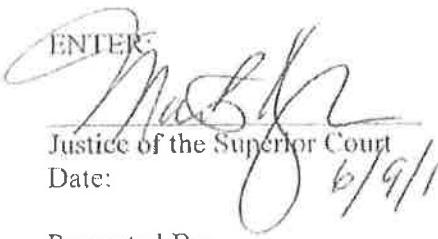
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCIMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

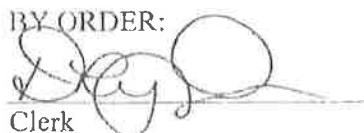
COMMISSION

This Court hereby commissions a Notary Public of the **State of New York**, or such other individual authorized to administer oath, to take the deposition of **Cory Fletcher** (197 Saint Marys Ave., Clinton, NY 13323), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **New York** is hereby required to take the deposition of **Cory Fletcher**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC,
18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.


ENTER
Justice of the Superior Court
Date: 6/9/17


BY ORDER:
Clerk
Date:

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

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STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

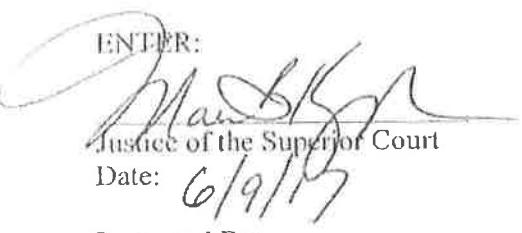
COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Owen Finnigan** (2 Heritage Road, Dracut, MA 01826), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of **Owen Finnigan**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:


Justice of the Superior Court

Date: 6/9/19

Presented By:


ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

BY ORDER:


Clerk

Date:

Case Number: PC-2013-3207
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STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
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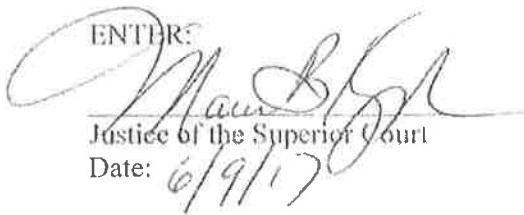
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

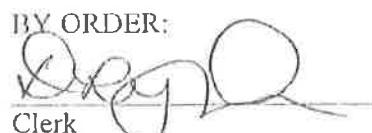
COMMISSION

This Court hereby commissions a Notary Public of the **State of Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Barry Cadden**, on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the **State of Massachusetts** is hereby required to take the deposition of **Barry Cadden**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/17

BY ORDER:

Clerk
Date:

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street -- Suite 330
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agray@ccclaw.org

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STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

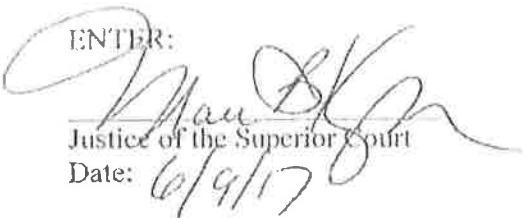
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Sarah Albert** (Department of Defense, Defense Criminal Investigation Service, Boston, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of **Sarah Albert**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/17

BY ORDER:

Clerk
Date:

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

Case Number: PC-2013-3207
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STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

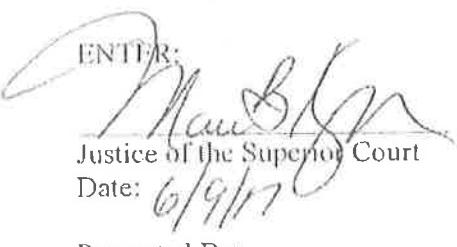
PATRICIA SCHIMIEDEKNECHT and)
WAYNE SCHIMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHIMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

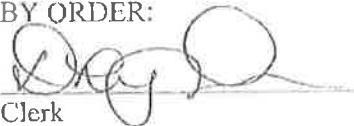
COMMISSION

This Court hereby commissions a Notary Public of the State of **Maryland**, or such other individual authorized to administer oath, to take the deposition of **Stacey Degarmo** (Food and Drug Administration, Rockville M.D.), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Maryland** is hereby required to take the deposition of **Stacey Degarmo** and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/17

BY ORDER:

Clerk
Date:

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

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STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

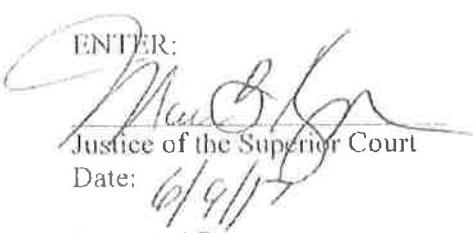
COMMISSION

This Court hereby commissions a Notary Public of the State of **New Jersey**, or such other individual authorized to administer oath, to take the deposition of **Eric Kastango** (Clinical IQ, LLC, Florham Park, NJ), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **New Jersey** is hereby required to take the deposition of **Eric Kastango** and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

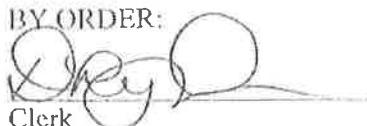

Justice of the Superior Court

Date:

6/9/17

Presented By:

BY ORDER:


Clerk

Date:

/s/ Alysson M. Gray

ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street - Suite 330
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STATE OF RHODE ISLAND

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NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
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VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

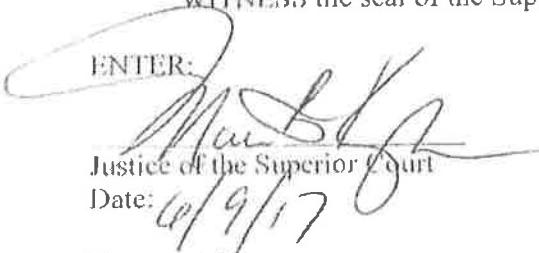
COMMISSION

This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of **Frank Lombardo** (Food and Drug Administration, Office of Criminal Investigation, Wakefield, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of **Frank Lombardo**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

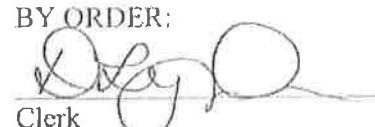
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Justice of the Superior Court

Date:

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Clerk

Date:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
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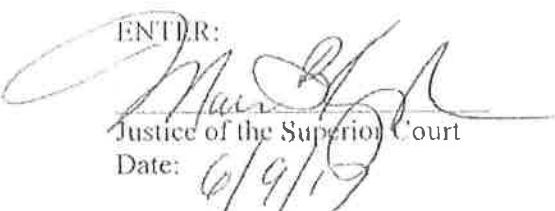
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Samuel Penta (MA Board of Pharmacy)**, on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of **Samuel Penta**, and to return the transcript of the same with a copy of this commission to: **Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.**

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/19

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
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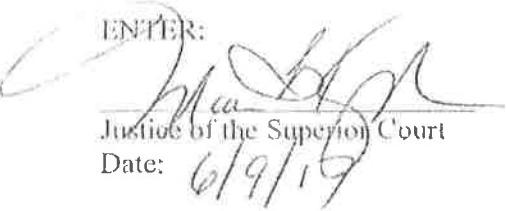
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **William Frisch** (Massachusetts Board of Registration in Pharmacy, Boston, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of **William Frisch**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

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Justice of the Superior Court
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Date:

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
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PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

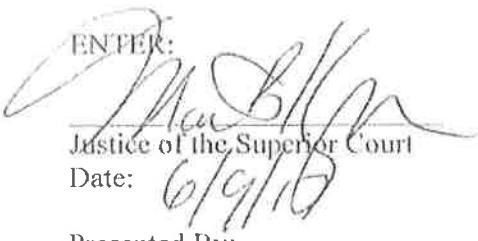
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the 30(b)(6) deposition of the **Food and Drug Administration**, on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of the **Food and Drug Administration**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/16

BY ORDER:

Clerk
Date:

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street -- Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

Case Number: PC-2013-3207
Filed in Providence/Bristol County Superior Court
Submitted: 6/12/2017 2:07:33 PM
Envelope: 1078789
Reviewer: Lynn G.

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

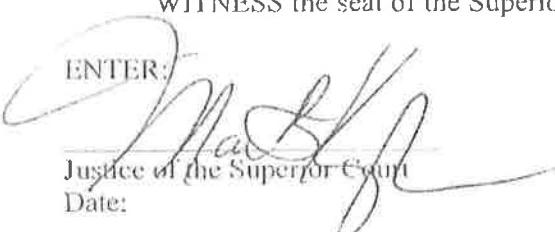
COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the 30(b)(6) deposition of the **UniFirst Corporation A/D/B/A/ UniClean Cleanroom Services**, on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

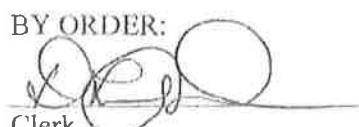
Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of the **UniFirst Corporation A/D/B/A/ UniClean Cleanroom Services**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:


Justice of the Superior Court
Date:

BY ORDER:


Clerk
Date:

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street -- Suite 330
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STATE OF RHODE ISLAND

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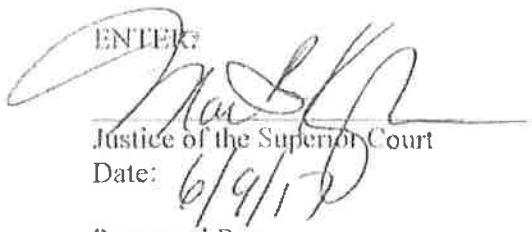
PATRICIA SCHMIEDEKNECHT and)
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Individually and as p.p.a. GRACE E.)
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Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Edgardo Camacho** (**UniClean, Nashua, NH**), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of **Edgardo Camacho**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

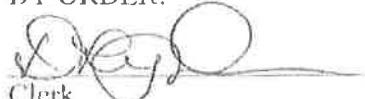
WITNESS the seal of the Superior Court for Providence County, Rhode Island.


ENTERED
Justice of the Superior Court
Date: 6/9/17

Presented By:


ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

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STATE OF RHODE ISLAND

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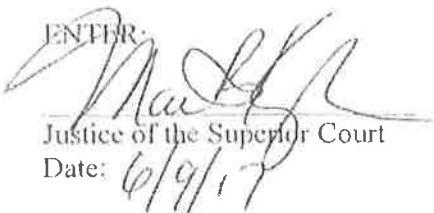
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCIJMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Edwin Cardona (UniClean, Nashua, NH)**, on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of **Edwin Cardona**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/17

Presented By:


ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
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STATE OF RHODE ISLAND

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SUPERIOR COURT
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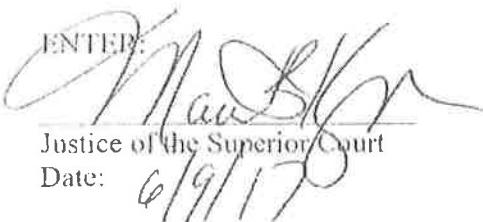
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHIMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

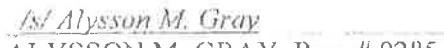
This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of **Suneela Mistry (UniClean, Nashua, NH)**, on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereto. Said testimony is also expected to be transcribed for use at trial.

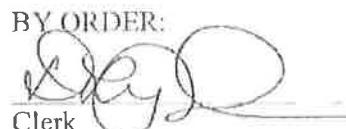
Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of **Suneela Mistry**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.


ENTERED:
Justice of the Superior Court
Date: 6/9/17

Presented By:


/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
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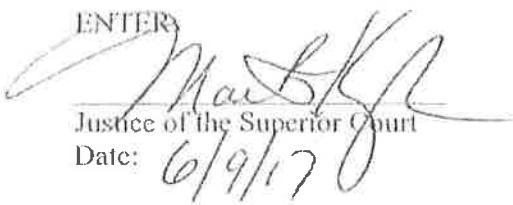
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCIMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of **Oklahoma**, or such other individual authorized to administer oath, to take the deposition of **Tiffany Hyde** (Analytical Research Laboratories, Oklahoma City, OK), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

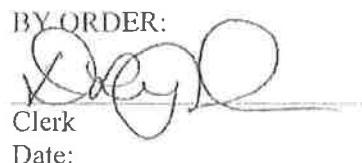
Said Notary Public or other individuals authorized to administer oaths by the State of **Oklahoma** is hereby required to take the deposition of **Tiffany Hyde**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/17

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
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STATE OF RHODE ISLAND

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SUPERIOR COURT
NO: PC-2013-3207

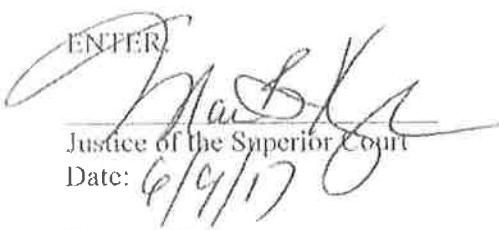
PATRICIA SCHMIEDEKNECHT and)
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Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of **Oklahoma**, or such other individual authorized to administer oath, to take the deposition of **Tom Means** (Analytical Research Laboratories, Oklahoma City, OK), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

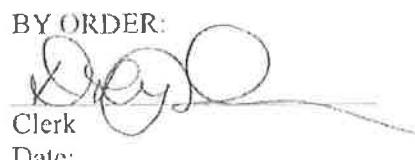
Said Notary Public or other individuals authorized to administer oaths by the State of **Oklahoma** is hereby required to take the deposition of **Tom Means**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.


ENPER
Justice of the Superior Court
Date: 6/9/17

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
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STATE OF RHODE ISLAND

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SUPERIOR COURT
NO: PC-2013-3207

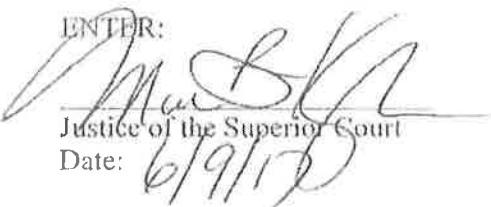
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STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

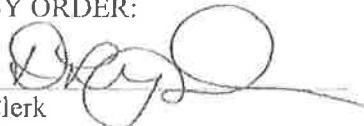
COMMISSION

This Court hereby commissions a Notary Public of the State of **Oklahoma**, or such other individual authorized to administer oath, to take the 30(b)(6) deposition of the **Analytical Research LABORATORIES**, on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Oklahoma** is hereby required to take the deposition of the **Analytical Research Laboratories**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/17

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Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 12 day of June 2017, I served and filed the following document:

1. *Commission to Take Deposition in Massachusetts of Witness Kenneth Boneau*
 2. *Commission to Take Deposition in Massachusetts of Witness Nicholas Booth*
 3. *Commission to Take Deposition in Massachusetts of Witness Derek Carvalho*
 4. *Commission to Take Deposition in Massachusetts of Witness Joseph Connolly*
 5. *Commission to Take Deposition in Massachusetts of Witness Mario Giamei, Jr.*
 6. *Commission to Take Deposition in Massachusetts of Witness Beth Reynolds*
 7. *Commission to Take Deposition in Massachusetts of Witness Annette Robinson*
 8. *Commission to Take Deposition in Massachusetts of Witness Robert Ronzio*
 9. *Commission to Take Deposition in New York of Witness Cory Fletcher*
 10. *Commission to Take Deposition in Massachusetts of Witness Owen Finnigan*
 11. *Commission to Take Deposition in Massachusetts of Witness Barry Cadden*
 12. *Commission to Take Deposition in Massachusetts of Witness Sarah Albert*

Case Number: PC-2013-3207
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13. *Commission to Take Deposition in Maryland of Witness Stacey Degarmo*
14. *Commission to Take Deposition in New Jersey of Witness Eric Kastango*
15. *Commission to Take Deposition in Massachusetts of Witness Frank Lombardo*
16. *Commission to Take Deposition in Massachusetts of Witness Samuel Penta*
17. *Commission to Take Deposition in Massachusetts of Witness William Frisch*
18. *Commission to Take the 30(b)(6) Deposition in Massachusetts of Witness the Food and Drug Administration*
19. *Commission to Take the 30(b)(6) Deposition in Massachusetts of Witness the UniFirst Corporation A/D/B/A/ UniClean Cleanroom Services*
20. *Commission to Take Deposition in Massachusetts of Witness Edgardo Camacho*
21. *Commission to Take Deposition in Massachusetts of Witness Edwin Cardona*
22. *Commission to Take Deposition in Massachusetts of Witness Suneela Mistry*
23. *Commission to Take Deposition in Oklahoma of Witness Tiffany Hyde*
24. *Commission to Take Deposition in Oklahoma of Witness Tom Means*
25. *Commission to Take the 30(b)(6) Deposition in Oklahoma of Witness Analytical Research Laboratories*

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The documents were electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

Alysson M. Gray
ALYSSON M. GRAY

Exhibit M:
**Correspondence to Massachusetts Superior
Courts Regarding Applications to Take
Depositions in Out-of-State Matters**

CAPPLIS, CONNORS & CARROLL, PC
ATTORNEYS AT LAW

www.ccclaw.org

Sean E. Capplis • ^
Matthew R. Connors • *
Judith A. Carroll))
Jeffrey W. Colman
Sandra P. Wysocki Capplis
Mary Beth Connors •
Thomas M. Dolan III
Jessica L. Cummings •
Alysson M. Gray ^
Alyson L. Gay
Jameson J. Pasek
Christy Hepburn Teel

* Admitted in Connecticut
• Admitted in New Hampshire
)) Admitted in New York
^ Admitted Rhode Island

Of Counsel
Hon. Frances A. McIntyre (Ret.)

agray@ccclaw.org

June 21, 2017

Clerk's Office
SUFFOLK SUPERIOR COURT
3 Pemberton Square, Suite 13
Boston, MA 02108

b2

Dear Sir/Madam:

RE: Patricia Schmiedeknecht, et al
VS: Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.
Docket No:
Our File: 20J 4080

Enclosed, please find for filing the filing fee and the below-listed documents concerning the foreign discovery proceedings related to *Patricia Schmiedeknecht, et al. v. Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C., et al.* Docket No. PC2013-3207 pending in Providence Superior Court, Rhode Island:

- A. CIVIL ACTION COVER SHEET – E18 FOREIGN DISCOVERY PROCEEDING
- B. APPLICATION FOR ORDER FOR TAKING DEPOSITION IN
COMMONWEALTH FOR PROCEEDING OUTSIDE COMMONWEALTH
PURSUANT TO M.G.L.A. CII. 223A § 11 AND CII. 233, § 45: SARA ALBERT
WITH THE FOLLOWING EXHIBITS
- a. *Notice of Deposition in the Rhode Island Action*
 - b. *Original Commission for Taking the Deposition of Kenneth Boneau*
 - c. *Petition for The Commission As Well As The Answer And Complaint Filed In The Rhode Island Action*
 - d. *Affidavit in Support Of Order*
 - e. *Proposed Subpoena*
 - f. *Proposed Order*

Please direct all correspondence to our Boston office

18 Tremont Street • Suite 330
Boston, MA 02108
Phone 617.227.0722 • Fax 617.227.0772

Court House Square
55 Pine Street • Providence, RI 02903
Phone 401.270.2111

Suffolk Superior Court
Page Two
June 21, 2017

C. APPLICATION FOR ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A § 11 AND CH. 233, § 45: **BARRY CADDEN** WITH THE FOLLOWING EXHIBITS

- a. *Notice of Deposition in the Rhode Island Action*
- b. *Original Commission for Taking the Deposition of Derek Carvalho*
- c. *Petition for The Commission As Well As The Answer And Complaint Filed In The Rhode Island Action*
- d. *Affidavit in Support Of Order*
- e. *Proposed Subpoena*
- f. *Proposed Order*

D. APPLICATION FOR ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A § 11 AND CH. 233, § 45: **WILLIAM FRISCH** WITH THE FOLLOWING EXHIBITS

- a. *Notice of Deposition in the Rhode Island Action*
- b. *Original Commission for Taking the Deposition of Owen Finnigan*
- c. *Petition for The Commission As Well As The Answer And Complaint Filed In The Rhode Island Action*
- d. *Affidavit in Support Of Order*
- e. *Proposed Subpoena*
- f. *Proposed Order*

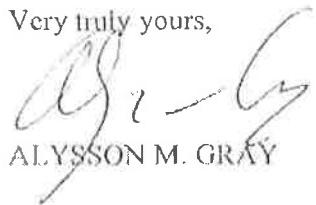
E. APPLICATION FOR ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A § 11 AND CH. 233, § 45: **SAMUEL PENTA** WITH THE FOLLOWING EXHIBITS

- a. *Notice of Deposition in the Rhode Island Action*
- b. *Original Commission for Taking the Deposition of Nicholas Booth*
- c. *Petition for The Commission As Well As The Answer And Complaint Filed In The Rhode Island Action*
- d. *Affidavit in Support Of Order*
- e. *Proposed Subpoena*
- f. *Proposed Order*

Suffolk Superior Court
Page Three
June 21, 2017

Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Alysson M. Gray".

ALYSSON M. GRAY

AMG/mag

cc: Amato A. DeLuca, Esq.
Francis A. Connor, III, Esq.
Cynthia L. Cassidy, Sr. Claim Rep

CIVIL ACTION COVER SHEET		DOCKET NUMBER	Trial Court of Massachusetts The Superior Court	
PLAINTIFF(S): <u>Abdul R. Barakat and Ocean State Pain Management, P.C., et al.</u>		COUNTY <u>Suffolk</u> <input type="checkbox"/>		
ADDRESS 		DEFENDANT(S): 		
ATTORNEY: <u>Alysson M. Gray, Esq.</u>		ADDRESS: 		
ADDRESS: <u>18 Tremont Street, Suite 330</u> <u>Boston, MA 02108</u>				
DNO: <u>691843</u>		TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)		
CODE NO. <u>E18</u>	TYPE OF ACTION (specify) <u>Foreign Discovery Proceeding</u>	TRACK <u>X</u>	HAS A JURY CLAIM BEEN MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
*If "Other" please describe: _____				
STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A				
The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.				
TORT CLAIMS (attach additional sheets as necessary)				
A. Documented medical expenses to date: 1. Total hospital expenses \$ 2. Total doctor expenses \$ 3. Total chiropractic expenses \$ 4. Total physical therapy expenses \$ 5. Total other expenses (describe below) \$ Subtotal (A): \$ _____				
B. Documented lost wages and compensation to date				
C. Documented property damages to date				
D. Reasonably anticipated future medical and hospital expenses				
E. Reasonably anticipated lost wages				
F. Other documented items of damages (describe below)				
G. Briefly describe plaintiff's injury, including the nature and extent of injury:				
TOTAL (A-F): \$ _____				
CONTRACT CLAIMS (attach additional sheets as necessary)				
Provide a detailed description of claim(s): _____				
TOTAL: \$ _____				
Signature of Attorney/Pro Se Plaintiff: <u>X</u> Date: _____				
RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.				
PC-2013-3207: Schmiedeknecht, et al. v. Barakat, et al., Providence Superior Court, Rhode Island				
CERTIFICATION PURSUANT TO SJC RULE 1:18				
I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.				
Signature of Attorney of Record: <u></u> Date: <u>6/21/17</u>				

CAPPLIS, CONNORS & CARROLL, PC
ATTORNEYS AT LAW

www.ccclaw.org

Sean E. Capplis • ^
Matthew R. Connors • *
Judith A. Carroll »»
Jeffrey W. Colman
Sandra P. Wysocki Capplis
Mary Beth Connors •
Thomas M. Dolan III
Jessica L. Cummings •
Alysson M. Gray ^
Alysson L. Gay
Jameson J. Pasck
Christy Hepburn Teel

* Admitted in Connecticut
• Admitted in New Hampshire
»» Admitted in New York
^ Admitted Rhode Island

Of Counsel
Hon. Frances A. McIntyre (Ret.)

agray@ccclaw.org

June 21, 2017

Clerk's Office
MIDDLESEX SUPERIOR COURT
200 Trade Center
Woburn, MA 01801

Dear Sir/Madam:

RE: Patricia Schmiedeknecht, et al
VS: Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.
Docket No:
Our File: 20J 4080

Enclosed, please find the filing fee regarding the below-listed documents which were mailed for filing on June 19th. This concerns the foreign discovery proceedings related to *Patricia Schmiedeknecht, et al. v. Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C., et al.* Docket No. PC2013-3207 pending in Providence Superior Court, Rhode Island:

- A. CIVIL ACTION COVER SHEET - E18 FOREIGN DISCOVERY PROCEEDING
- B. APPLICATION FOR ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A § 11 AND CH. 233, § 45: KENNETH BONEAU WITH THE FOLLOWING EXHIBITS
- a. *Notice of Deposition in the Rhode Island Action*
 - b. *Original Commission for Taking the Deposition of Kenneth Boneau*
 - c. *Petition for The Commission As Well As The Answer And Complaint Filed In The Rhode Island Action*
 - d. *Affidavit in Support Of Order*
 - e. *Proposed Subpoena*
 - f. *Proposed Order*

Please direct all correspondence to our Boston office

18 Tremont Street • Suite 330
Boston, MA 02108
Phone 617.227.0722 • Fax 617.227.0772

Court House Square
55 Pine Street • Providence, RI 02903
Phone 401.270.2111

Middlesex Superior Court

Page Two

June 21, 2017

C. APPLICATION FOR ORDER FOR TAKING DEPOSITION IN
COMMONWEALTH FOR PROCEEDING OUTSIDE COMMONWEALTH
PURSUANT TO M.G.L.A. CH. 223A § 11 AND CH. 233, § 45: DEREK
CARVALHO WITH THE FOLLOWING EXHIBITS

- a. *Notice of Deposition in the Rhode Island Action*
- b. *Original Commission for Taking the Deposition of Derek Carvalho*
- c. *Petition for The Commission As Well As The Answer And Complaint Filed In The Rhode Island Action*
- d. *Affidavit in Support Of Order*
- e. *Proposed Subpoena*
- f. *Proposed Order*

D. APPLICATION FOR ORDER FOR TAKING DEPOSITION IN
COMMONWEALTH FOR PROCEEDING OUTSIDE COMMONWEALTH
PURSUANT TO M.G.L.A. CH. 223A § 11 AND CH. 233, § 45: OWEN
FINNIGAN WITH THE FOLLOWING EXHIBITS

- a. *Notice of Deposition in the Rhode Island Action*
- b. *Original Commission for Taking the Deposition of Owen Finnigan*
- c. *Petition for The Commission As Well As The Answer And Complaint Filed In The Rhode Island Action*
- d. *Affidavit in Support Of Order*
- e. *Proposed Subpoena*
- f. *Proposed Order*

E. APPLICATION FOR ORDER FOR TAKING DEPOSITION IN
COMMONWEALTH FOR PROCEEDING OUTSIDE COMMONWEALTH
PURSUANT TO M.G.L.A. CH. 223A § 11 AND CH. 233, § 45: NICHOLAS
BOOTH WITH THE FOLLOWING EXHIBITS

- a. *Notice of Deposition in the Rhode Island Action*
- b. *Original Commission for Taking the Deposition of Nicholas Booth*
- c. *Petition for The Commission As Well As The Answer And Complaint Filed In The Rhode Island Action*
- d. *Affidavit in Support Of Order*
- e. *Proposed Subpoena*
- f. *Proposed Order*

F. APPLICATION FOR ORDER FOR TAKING DEPOSITION IN
COMMONWEALTH FOR PROCEEDING OUTSIDE COMMONWEALTH
PURSUANT TO M.G.L.A. CH. 223A § 11 AND CH. 233, § 45: BETH
REYNOLDS WITH THE FOLLOWING EXHIBITS

- a. *Notice of Deposition in the Rhode Island Action*
- b. *Original Commission for Taking the Deposition of Beth Reynolds*

Middlesex Superior Court

Page Three

June 21, 2017

- c. *Petition for The Commission As Well As The Answer And Complaint Filed In The Rhode Island Action*
- d. *Affidavit in Support Of Order*
- e. *Proposed Subpoena*
- f. *Proposed Order*

G. APPLICATION FOR ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A § 11 AND CH. 233, § 45: ANNETTE ROBINSON WITH THE FOLLOWING EXHIBITS

- a. *Notice of Deposition in the Rhode Island Action*
- b. *Original Commission for Taking the Deposition of Annette Robinson*
- c. *Petition for The Commission As Well As The Answer And Complaint Filed In The Rhode Island Action*
- d. *Affidavit in Support Of Order*
- e. *Proposed Subpoena*
- f. *Proposed Order*

H. APPLICATION FOR ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A § 11 AND CH. 233, § 45: FRANK LOMBARDO WITH THE FOLLOWING EXHIBITS

- a. *Notice of Deposition in the Rhode Island Action*
- b. *Original Commission for Taking the Deposition of Frank Lombardo*
- c. *Petition for The Commission As Well As The Answer And Complaint Filed In The Rhode Island Action*
- d. *Affidavit in Support Of Order*
- e. *Proposed Subpoena*
- f. *Proposed Order*

I. APPLICATION FOR ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A § 11 AND CH. 233, § 45: 30(b)(6) FOOD AND DRUG ADMINISTRATION WITH THE FOLLOWING EXHIBITS

- a. *Notice of Deposition in the Rhode Island Action*
- b. *Original Commission for Taking the 30(b)(6)Deposition of the Food and Drug Administration*
- c. *Petition for The Commission As Well As The Answer And Complaint Filed In The Rhode Island Action*
- d. *Affidavit in Support Of Order*
- e. *Proposed Subpoena*
- f. *Proposed Order*

Middlesex Superior Court
Page Four
June 21, 2017

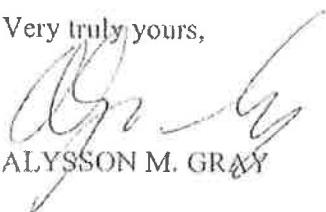
- J. APPLICATION FOR ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A § 11 AND CH. 233, § 45: EDWIN CARDONA WITH THE FOLLOWING EXHIBITS
- a. *Notice of Deposition in the Rhode Island Action*
 - b. *Original Commission for Taking the Deposition of Edwin Cardona*
 - c. *Petition for The Commission As Well As The Answer And Complaint Filed In The Rhode Island Action*
 - d. *Affidavit in Support Of Order*
 - e. *Proposed Subpoena*
 - f. *Proposed Order*
- K. APPLICATION FOR ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A § 11 AND CH. 233, § 45: EDARDO CAMACHO WITH THE FOLLOWING EXHIBITS
- a. *Notice of Deposition in the Rhode Island Action*
 - b. *Original Commission for Taking the Deposition of Edardo Camacho*
 - c. *Petition for The Commission As Well As The Answer And Complaint Filed In The Rhode Island Action*
 - d. *Affidavit in Support Of Order*
 - e. *Proposed Subpoena*
 - f. *Proposed Order*
- L. APPLICATION FOR ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A § 11 AND CH. 233, § 45: SUNEELA MISTRY WITH THE FOLLOWING EXHIBITS
- a. *Notice of Deposition in the Rhode Island Action*
 - b. *Original Commission for Taking the Deposition of Suneela Mistry*
 - c. *Petition for The Commission As Well As The Answer And Complaint Filed In The Rhode Island Action*
 - d. *Affidavit in Support Of Order*
 - e. *Proposed Subpoena*
 - f. *Proposed Order*
- M. APPLICATION FOR ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A § 11 AND CH. 233, § 45: 30(b)(6) UNIFIRST CORP, A/D/B/A UNICLEAN CLEANROOM SERVICES WITH THE FOLLOWING EXHIBITS
- a. *Notice of Deposition in the Rhode Island Action*

Middlesex Superior Court
Page Five
June 21, 2017

- b. *Original Commission for Taking the Deposition of UniFirst Corp. A/D/B/A UniClean Cleanroom Services*
- c. *Petition for The Commission As Well As The Answer And Complaint Filed In The Rhode Island Action*
- d. *Affidavit in Support Of Order*
- e. *Proposed Subpoena*
- f. *Proposed Order*

Thank you for your assistance.

Very truly yours,



The signature is handwritten in black ink, appearing to read "Alysson M. Gray".

AMG

cc: Amato A. DeLuca, Esq.
Francis A. Connor, III, Esq.
Cynthia L. Cassidy, Sr. Claim Rep

CAPPLIS, CONNORS & CARROLL, PC
ATTORNEYS AT LAW

www.ccclaw.org

Sean E. Capplis • ^
Matthew R. Connors • *
Judith A. Carroll »
Jeffrey W. Colman
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Alysson M. Gray ^
Alyson L. Gay
Jameson J. Pasck
Christy Hepburn Teel

* Admitted in Connecticut
• Admitted in New Hampshire
» Admitted in New York
^ Admitted Rhode Island

Of Counsel
Hon. Frances A. McIntyre (Ret.)

apray@ccclaw.org

June 21, 2017

Clerk's Office
BRISTOL SUPERIOR COURT
9 Court Street
Taunton, MA 02780

Dear Sir/Madam:

RE: Patricia Schmiedeknecht, et al
VS: Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.
Docket No:
Our File: 20J 4080

Enclosed, please find for filing the filing fee and below-listed documents concerning the foreign discovery proceedings related to *Patricia Schmiedeknecht, et al. v. Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C., et al.* Docket No. PC2013-3207 pending in Providence Superior Court, Rhode Island:

- A. CIVIL ACTION COVER SHEET – E18 FOREIGN DISCOVERY PROCEEDING
- B. APPLICATION FOR ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A § 11 AND CH. 233, § 45: JOSEPH CONNOLLY WITH THE FOLLOWING EXHIBITS
- a. *Notice of Deposition in the Rhode Island Action*
 - b. *Original Commission for Taking the Deposition of Kenneth Boneau*
 - c. *Petition for The Commission As Well As The Answer And Complaint Filed In The Rhode Island Action*
 - d. *Affidavit in Support Of Order*
 - e. *Proposed Subpoena*
 - f. *Proposed Order*

Please direct all correspondence to our Boston office

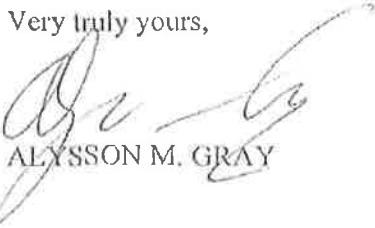
18 Tremont Street • Suite 330
Boston, MA 02108
Phone 617.227.0722 • Fax 617.227.0772

Court House Square
55 Pine Street • Providence, RI 02903
Phone 401.270.2111

Worcester Superior Court
Page Two
June 21, 2017

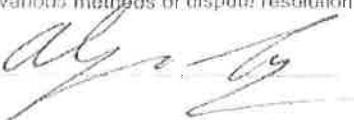
Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "ALYSSON M. GRAY".

AMG/mag

cc: Amato A. DeLuca, Esq.
Francis A. Connor, III, Esq.
Cynthia L. Cassidy, Sr. Claim Rep

CIVIL ACTION COVER SHEET		DOCKET NUMBER	Trial Court of Massachusetts The Superior Court	
PLAINTIFF(S): Abdul R. Barakat and Ocean State Pain Management, P.C., et al.				
ADDRESS: _____ _____ _____ _____		COUNTY Bristol <input checked="" type="checkbox"/>		
DEFENDANT(S): _____ _____ _____ _____				
ATTORNEY: Alysson M. Gray, Esq.				
ADDRESS: 10 Tremont Street, Suite 330 Boston, MA 02108		ADDRESS: _____ _____ _____		
EBO: 691843				
TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)				
CODE NO. E18	TYPE OF ACTION (specify) Foreign Discovery Proceeding	TRACK <input checked="" type="checkbox"/> X	HAS A JURY CLAIM BEEN MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
*If "Other" please describe: _____				
STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A				
The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.				
TORT CLAIMS (attach additional sheets as necessary)				
A. Documented medical expenses to date:				
1. Total hospital expenses \$ _____ 2. Total doctor expenses \$ _____ 3. Total chiropractic expenses \$ _____ 4. Total physical therapy expenses \$ _____ 5. Total other expenses (describe below) \$ _____ Subtotal (A): \$ _____				
B. Documented lost wages and compensation to date \$ _____				
C. Documented property damages to date \$ _____				
D. Reasonably anticipated future medical and hospital expenses \$ _____				
E. Reasonably anticipated lost wages \$ _____				
F. Other documented items of damages (describe below) \$ _____				
G. Briefly describe plaintiff's injury, including the nature and extent of injury:				
TOTAL (A-F): \$ _____				
CONTRACT CLAIMS (attach additional sheets as necessary)				
Provide a detailed description of claims(s):				
TOTAL: \$ _____				
Signature of Attorney/Pro Se Plaintiff: <input checked="" type="checkbox"/>				
Date:				
RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court				
PC-2013-3207; Schmiedeknecht, et al. v. Barakat, et al., Providence Superior Court, Rhode Island				
CERTIFICATION PURSUANT TO SJC RULE 1:18				
I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.				
Signature of Attorney of Record: <input checked="" type="checkbox"/> 				
Date: 6/21/10				

CAPPLIS, CONNORS & CARROLL, PC
ATTORNEYS AT LAW

www.ccclaw.org

Sean E. Capplis • ^
Matthew R. Connors • *
Judith A. Carroll »
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Allyson L. Gay
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Christy Hepburn Teel

* Admitted in Connecticut
• Admitted in New Hampshire
» Admitted in New York
^ Admitted Rhode Island

Of Counsel
Hon. Frances A. McIntyre (Ret.)

agray@ccclaw.org

June 21, 2017

Clerk's Office
WORCESTER SUPERIOR COURT
225 Main Street
Worcester, MA 01608

Dear Sir/Madam:

RE: Patricia Schmiedeknecht, et al
VS: Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C.
Docket No:
Our File: 20J 4080

Enclosed, please find for filing the filing fee and the below-listed documents concerning the foreign discovery proceedings related to *Patricia Schmiedeknecht, et al. v. Abdul R. Barakat, M.D. and Ocean State Pain Management, P.C., et al.* Docket No. PC2013-3207 pending in Providence Superior Court, Rhode Island:

- A. CIVIL ACTION COVER SHEET – E18 FOREIGN DISCOVERY PROCEEDING
- B. APPLICATION FOR ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CII. 223A § 11 AND CH. 233, § 45: Mario Giamei, Jr. WITH THE FOLLOWING EXHIBITS
- a. *Notice of Deposition in the Rhode Island Action*
 - b. *Original Commission for Taking the Deposition of Kenneth Boneau*
 - c. *Petition for The Commission As Well As The Answer And Complaint Filed In The Rhode Island Action*
 - d. *Affidavit in Support Of Order*
 - e. *Proposed Subpoena*
 - f. *Proposed Order*

Please direct all correspondence to our Boston office

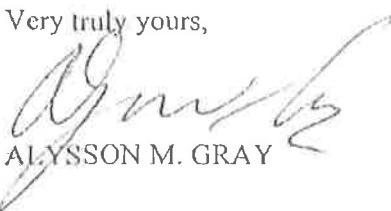
18 Tremont Street • Suite 330
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Court House Square
55 Pine Street • Providence, RI 02903
Phone 401.270.2111

Worcester Superior Court
Page Two
June 21, 2017

Thank you for your assistance.

Very truly yours,



ALYSSON M. GRAY

AMG/mag

cc: Amato A. DeLuca, Esq.
Francis A. Connor, III, Esq.
Cynthia L. Cassidy, Sr. Claim Rep

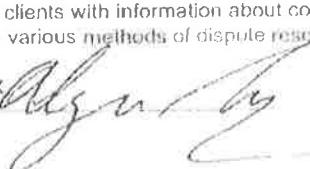
CIVIL ACTION COVER SHEET		DOCKET NUMBER	Trial Court of Massachusetts The Superior Court	
PLAINTIFF(S): Abdu R. Barakat and Ocean State Pain Management, P.C., et al.		COUNTY Worcester <input checked="" type="checkbox"/>		
ADDRESS: 		DEFENDANT(S): 		
ATTORNEY: Alyssen M. Gray, Esq.		ADDRESS: 		
ADDRESS: 18 Tremont Street, Suite 330 Boston, MA 02108				
BDO 691843				
TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)				
CODE NO. E18	TYPE OF ACTION (specify) Foreign Discovery Proceeding	TRACK <input checked="" type="checkbox"/>	HAS A JURY CLAIM BEEN MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
*If "Other" please describe: _____				
STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A				
The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.				
TORT CLAIMS (attach additional sheets as necessary)				
A. Documented medical expenses to date: 1. Total hospital expenses \$ 2. Total doctor expenses \$ 3. Total chiropractic expenses \$ 4. Total physical therapy expenses \$ 5. Total other expenses (describe below) \$ Subtotal (A): \$ _____				
B. Documented lost wages and compensation to date \$ _____				
C. Documented property damages to date \$ _____				
D. Reasonably anticipated future medical and hospital expenses \$ _____				
E. Reasonably anticipated lost wages \$ _____				
F. Other documented items of damages (describe below) \$ _____				
G. Briefly describe plaintiff's injury, including the nature and extent of injury:				
TOTAL (A-F): \$ _____				
CONTRACT CLAIMS (attach additional sheets as necessary)				
Provide a detailed description of claims(s):				
TOTAL: \$ _____				
Signature of Attorney/Pro Se Plaintiff: X Date: _____				
RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.				
PC-2013-3207; Schmiedeknecht, et al. v. Barakat, et al., Providence Superior Court, Rhode Island				
CERTIFICATION PURSUANT TO SJC RULE 1:18				
I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.				
Signature of Attorney of Record: X  Date: 6/21/17				

Exhibit N:
**Order Granting Applications from Suffolk
Superior Court**

卷之三

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that the following deponents appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on the respective dates to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island.

- Barry Cadden: August 7, 2017 at 10:00 a.m.
 - Sara Albert: August 15, 2017 at 10:00 a.m.
 - William Frisch: August 16, 2017 at 2:00 a.m.
 - Samuel Penta: August 16, 2017 at 10:00 a.m.

The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of **Barry Cadden, Sara Albert, William Frisch, and Samuel Penta** at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 28th day of July, 2017.

ENTER:

BY ORDER:

Justice of the Superior Court
Date:

Presented by:

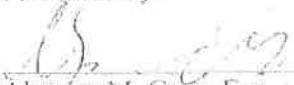

Alysson M. Gray, Esq. - BBO # 691843
CAPPY, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / agray@ecclaw.org

Exhibit O:
**Subpoenas and Deposition Notices Served Upon
Mr. Cadden, Ms. Albert, Mr. Frisch, and Mr.
Penta**

7
COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT
C.A. NO.

IN RE: ABDUL BARAKAT, M.D.,)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

SUBPOENA

To: **Barry Cadden**
✓/o Counsel: Callan Stein, Esq.
One Beacon Street, Suite 1320
Boston, MA 02108

By Authority of the State of Massachusetts, **Barry Cadden** is hereby commanded to appear for a deposition to be held at the office of Capplis, Connors and Carroll, P.C., 18 Tremont St., suite 330, Boston, MA 02108 on **August 7, 2017 at 10:00 a.m.** or to such day thereafter and within 60 days hereof, to testify what you know in a certain Civil Action pending in the Superior Court of the State of Rhode Island, Docket at Providence, bearing docket number NO: PC-2013-3207, between:

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

Hereof fail not, under penalty of the law.
To any proper officer or indifferent person to serve and return

Dated at Watertown, Massachusetts, this 30 day of June, 2017.



NOTIFY

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT

C.A. NO. 17-2026 A

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that the following deponents appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on the respective dates to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island.

- **Barry Cadden:** August 7, 2017 at 10:00 a.m.
- **Sara Albert:** August 15, 2017 at 10:00 a.m.
- **William Frisch:** August 16, 2017 at 2:00 a.m.
- **Samuel Penta:** August 16, 2017 at 10:00 a.m.

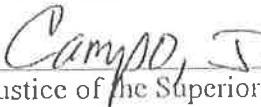
The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of **Barry Cadden, Sara Albert, William Frisch, and Samuel Penta** at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 28th day of June, 2017.

ENTER:

Justice of the Superior Court
Date:

BY ORDER:



Justice of the Superior Court
Date: June 28, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

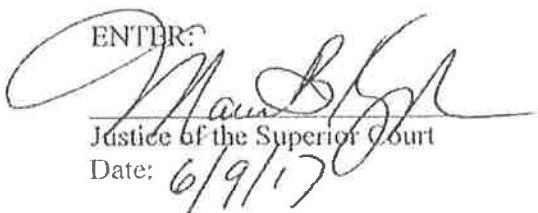
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

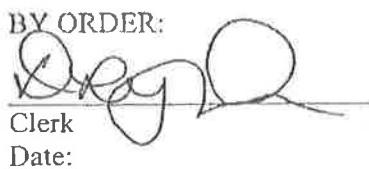
COMMISSION

This Court hereby commissions a Notary Public of the **State of Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Barry Cadden**, on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the **State of Massachusetts** is hereby required to take the deposition of **Barry Cadden**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTERED:

Justice of the Superior Court
Date: 6/9/17

BY ORDER:

Clerk
Date:

Presented By:

/s/ Alysson M. Gray _____
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

JULY 3, 2017

RETURN OF SERVICE

I this day summoned the within named BARRY CADDEN
C/O COUNSEL: CALLAN STEIN, ESQ

to appear as within directed by delivering to DIANE BENTON, ADMIN., 8:50AM

X in hand
leaving at last and usual place of abode, to wit:

No. 1 BEACON ST, STE 1320
in the city/town of BOSTON, an attested copy of the subpoena together with \$ 7 fees for attendance
and travel

Service and travel \$ 28

Paid Witness \$ 7

John Rymaszewski

Process Server/

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

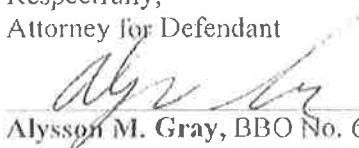
NOTICE OF TAKING DEPOSITION

TO: Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, L.td.
199 North Main Street
Providence, RI 02903

Please take notice that, at **10:00 a.m.**, on **August 7, 2017**, at the offices of Capplis Connors and Carroll, P.C., 18 Tremont Street, Suite 330, Boston, Massachusetts, the Defendant(s) in this action, by his (her) (its) attorney(s), will take the deposition upon oral examination of **Barry Cadden**, pursuant to the applicable provisions of the Massachusetts Rules of Civil Procedure, before Jones Reporting Company, notary public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Respectfully,
Attorney for Defendant


Alysson M. Gray, BBO No. 691843 (MA)
Reg. # 9285 (RI)

DATED: June 21, 2017
cc: Frank Connor, esq.

STATE OF RHODE ISLAND
PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 21st day of June 2017, I served and filed the following document:

NOTICE OF TAKING DEPOSITION OF BARRY CADEN

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.


ALYSSON M. GRAY

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

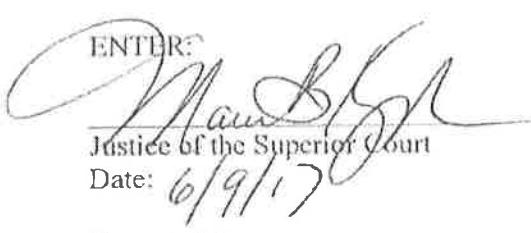
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

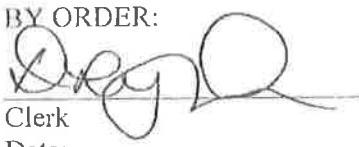
COMMISSION

This Court hereby commissions a Notary Public of the **State of Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Barry Cadden**, on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the **State of Massachusetts** is hereby required to take the deposition of **Barry Cadden**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/17

BY ORDER:

Clerk
Date:

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street -- Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

7

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT
C.A. NO. _____

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

SUBPOENA

To: William Frisch
239 Causeway Street, Suite 500
Boston, MA 02114

By Authority of the State of Massachusetts, **William Frisch** is hereby commanded to appear for a deposition to be held at the office of Capplis, Connors and Carroll, P.C., 18 Tremont St., suite 330, Boston, MA 02108 on **August 16, 2017 at 2:00 p.m.** or to such day thereafter and within 60 days hereof, to testify what you know in a certain Civil Action pending in the Superior Court of the State of Rhode Island, Docket at Providence, bearing docket number NO: PC-2013-3207, between:

STATE OF RHODE ISLAND

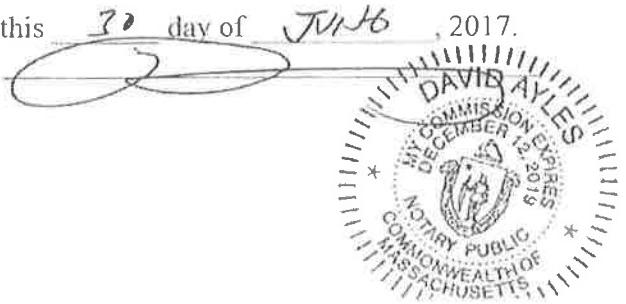
PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

Hereof fail not, under penalty of the law.
To any proper officer or indifferent person to serve and return.

Dated at Wellesley, Massachusetts, this 30 day of July, 2017.



NOTIFY

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT

C.A. NO. 17-2026A

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that the following deponents appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on the respective dates to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island.

- **Barry Cadden:** August 7, 2017 at 10:00 a.m.
- **Sara Albert:** August 15, 2017 at 10:00 a.m.
- **William Frisch:** August 16, 2017 at 2:00 a.m.
- **Samuel Penta:** August 16, 2017 at 10:00 a.m.

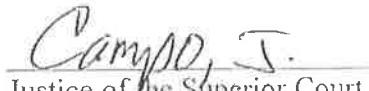
The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of **Barry Cadden, Sara Albert, William Frisch, and Samuel Penta** at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 28th day of June, 2017.

ENTER:

Justice of the Superior Court
Date:

BY ORDER:



Justice of the Superior Court
Date: June 28, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

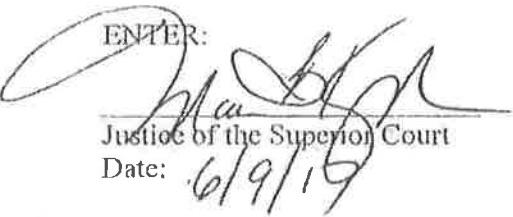
COMMISSION

This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of **William Frisch** (Massachusetts Board of Registration in Pharmacy, Boston, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of **William Frisch**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:


Justice of the Superior Court

Date: 6/9/19

Presented By:

BY ORDER:


Clerk

Date:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722

JULY 3, 2017

RETURN OF SERVICE

I this day summoned the within named WILLIAM FRISCH
to appear as within directed by delivering to SUNY SHAH, ADMIN., 9:10AM

X in hand
leaving at last and usual place of abode, to wit:

No. 239 CAUSEWAY ST, STE 500
in the city/town of BOSTON, an attested copy of the subpoena together with \$ 7 fees for attendance
and travel

Service and travel \$ 28

Paid Witness \$ 7

John Rymaszewski

Process Server/

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

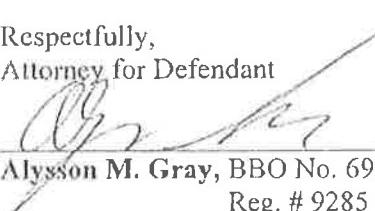
NOTICE OF TAKING DEPOSITION

TO: Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Please take notice that, at 2:00 p.m., on August 16, 2017, at the offices of Capplis Connors and Carroll, P.C., 18 Tremont Street, Suite 330, Boston, Massachusetts, the Defendant(s) in this action, by his (her) (its) attorney(s), will take the deposition upon oral examination of **William Frisch**, pursuant to the applicable provisions of the Massachusetts Rules of Civil Procedure, before Jones Reporting Company, notary public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Respectfully,
Attorney for Defendant


Alysson M. Gray, BBO No. 691843 (MA)
Reg. # 9285 (RI)

DATED: June 21, 2017
cc: Frank Connor, esq.

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 21st day of June 2017, I served and filed the following document:

NOTICE OF TAKING DEPOSITION OF WILLIAM FRISCH

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

ALYSSON M. GRAY

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

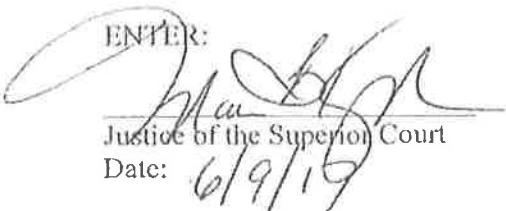
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

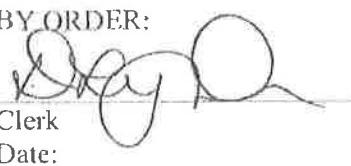
This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **William Frisch** (Massachusetts Board of Registration in Pharmacy, Boston, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of **William Frisch**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court

Date: 6/9/19

BY ORDER:

Clerk
Date:

Presented By:

/s/ Alysson M. Gray _____
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722

7

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT
C.A. NO. _____

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

SUBPOENA

To: **Samuel Penta**
239 Causeway Street, Suite 500
Boston, MA 02114

By Authority of the State of Massachusetts, **Samuel Penta** is hereby commanded to appear for a deposition to be held at the office of Capplis, Connors and Carroll, P.C., 18 Tremont St., suite 330, Boston, MA 02108 on **August 16, 2017** at **10:00 a.m.** or to such day thereafter and within 60 days hereof, to testify what you know in a certain Civil Action pending in the Superior Court of the State of Rhode Island, Docket at Providence, bearing docket number NO: PC-2013-3207, between:

STATE OF RHODE ISLAND

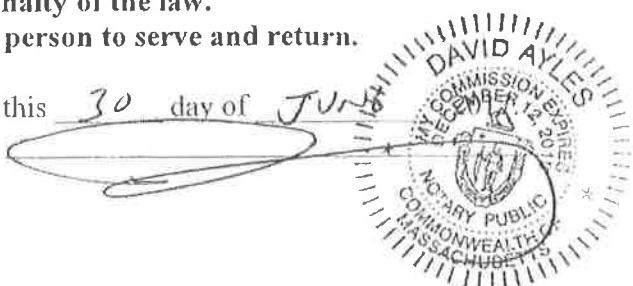
PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
)
VS.)
)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

Hereof fail not, under penalty of the law.
To any proper officer or indifferent person to serve and return.

Dated at Watertown, Massachusetts, this 30 day of June,



NOTIFY

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT

C.A. NO. 17-2026A

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that the following deponents appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on the respective dates to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island.

- **Barry Cadden:** August 7, 2017 at 10:00 a.m.
- **Sara Albert:** August 15, 2017 at 10:00 a.m.
- **William Frisch:** August 16, 2017 at 2:00 a.m.
- **Samuel Penta:** August 16, 2017 at 10:00 a.m.

The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of **Barry Cadden, Sara Albert, William Frisch, and Samuel Penta** at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 28th day of June, 2017.

ENTER:

Justice of the Superior Court
Date:

BY ORDER:

Campo, J.
Justice of the Superior Court
Date: June 28, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

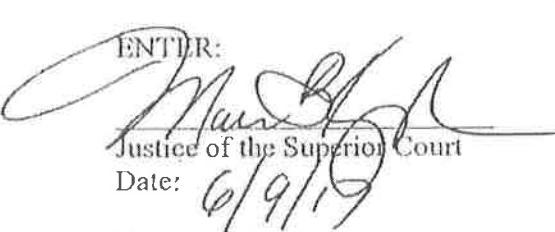
COMMISSION

This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of **Samuel Penta (MA Board of Pharmacy)**, on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of **Samuel Penta**, and to return the transcript of the same with a copy of this commission to: **Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.**

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:


Justice of the Superior Court
Date: 6/9/19

Presented By:

BY ORDER:


Clerk
Date:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

JULY 3, 2017

RETURN OF SERVICE

*I this day summoned the within named SAMUEL PENTA
to appear as within directed by delivering to SUNY SHAH, ADMIN., 9:10AM*

X *in hand
leaving at last and usual place of abode, to wit:*

No. 239 CAUSEWAY ST, STE 500
*in the city/town of BOSTON, an attested copy of the subpoena together with \$ 7 fees for attendance
and travel*

Service and travel \$ 28

Paid Witness \$ 7

John Rymaszewski

Process Server/

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

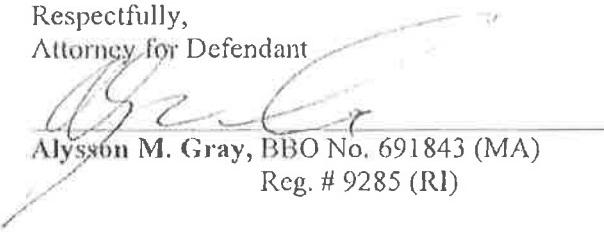
NOTICE OF TAKING DEPOSITION

TO: Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Please take notice that, at 10:00 a.m., on August 16, 2017, at the offices of Capplis Connors and Carroll, P.C., 18 Tremont Street, Suite 330, Boston, Massachusetts, the Defendant(s) in this action, by his (her) (its) attorney(s), will take the deposition upon oral examination of **Samuel Penta**, pursuant to the applicable provisions of the Massachusetts Rules of Civil Procedure, before Jones Reporting Company, notary public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Respectfully,
Attorney for Defendant


Alysson M. Gray, BBO No. 691843 (MA)
Reg. # 9285 (RI)

DATED: June 21, 2017
cc: Frank Connor, esq.

STATE OF RHODE ISLAND
PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 21st day of June 2017, I served and filed the following document:

NOTICE OF TAKING DEPOSITION OF SAMUEL PENTA

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

ALYSSON M. GRAY

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

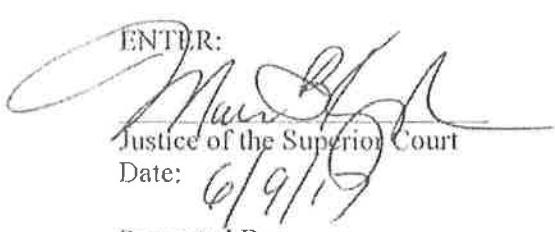
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Samuel Penta (MA Board of Pharmacy)**, on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

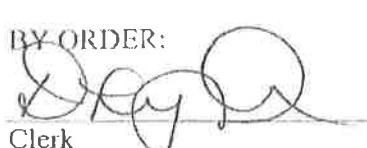
Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of **Samuel Penta**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/19

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

BY ORDER:

Clerk
Date:

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT
C.A. NO. _____

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

SUBPOENA

To: **Sara Albert**
55 New Sudbury Street
Boston, MA 02203

By Authority of the State of Massachusetts, **Sara Albert** is hereby commanded to appear for a deposition to be held at the office of Capplis, Connors and Carroll, P.C., 18 Tremont St., suite 330, Boston, MA 02108 on **August 15, 2017** at **2:00 p.m.** or to such day thereafter and within 60 days hereof, to testify what you know in a certain Civil Action pending in the Superior Court of the State of Rhode Island, Docket at Providence, bearing docket number NO: PC-2013-3207, between:

STATE OF RHODE ISLAND

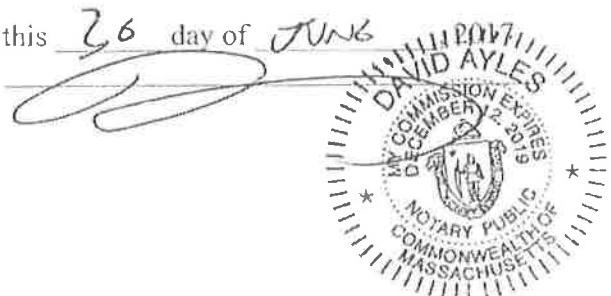
PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

Hereof fail not, under penalty of the law.
To any proper officer or indifferent person to serve and return.

Dated at Wellesley, Massachusetts, this 26 day of JUNE



NOTIFY

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT

C.A. NO. 17-2026 A

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that the following deponents appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on the respective dates to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island.

- **Barry Cadden:** August 7, 2017 at 10:00 a.m.
- **Sara Albert:** August 15, 2017 at 10:00 a.m.
- **William Frisch:** August 16, 2017 at 2:00 a.m.
- **Samuel Penta:** August 16, 2017 at 10:00 a.m.

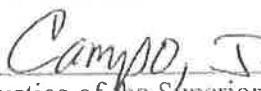
The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of **Barry Cadden, Sara Albert, William Frisch, and Samuel Penta** at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 28th day of June, 2017.

ENTER:

Justice of the Superior Court
Date:

BY ORDER:



Justice of the Superior Court
Date: June 28, 2017

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

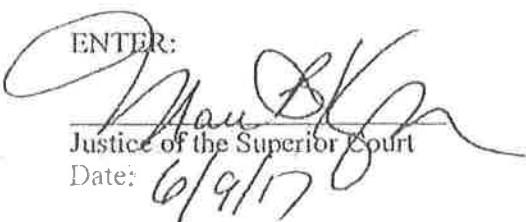
COMMISSION

This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of **Sarah Albert** (Department of Defense, Defense Criminal Investigation Service, Boston, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of **Sarah Albert**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:


Justice of the Superior Court
Date: 6/9/17

BY ORDER:


Clerk
Date:

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

JULY 3, 2017

RETURN OF SERVICE

I this day summoned the within named SARA ALBERT

to appear as within directed by delivering to NOT SERVED. NO 55 NEW SUDBURY STREET.
NOTHING ONLINE FOR THIS NAME

in hand

leaving at last and usual place of abode, to wit:

No. 55 NEW SUDBURY ST

in the city/town of BOSTON, an attested copy of the subpoena together with \$ fees for attendance
and travel

Service and travel \$ 28

Paid Witness \$



Process Server/

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCIMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

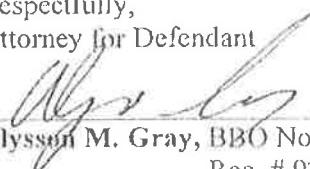
NOTICE OF TAKING DEPOSITION

TO: Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Please take notice that, at 2:00 p.m., on **August 15, 2017**, at the offices of Capplis Connors and Carroll, P.C., 18 Tremont Street, Suite 330, Boston, Massachusetts, the Defendant(s) in this action, by his (her) (its) attorney(s), will take the deposition upon oral examination of **Sara Albert**, pursuant to the applicable provisions of the Massachusetts Rules of Civil Procedure, before Jones Reporting Company, notary public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine,

Respectfully,
Attorney for Defendant


Alysson M. Gray, BBO No. 691843 (MA)
Reg. # 9285 (RI)

DATED: June 21, 2017
cc: Frank Connor, esq.

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 21st day of June 2017, I served and filed the following document:

NOTICE OF TAKING DEPOSITION OF SARA ALBERT

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

ALYSSON M. GRAY

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

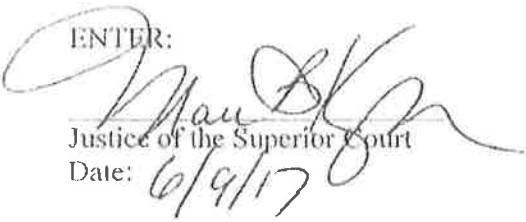
COMMISSION

This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of **Sarah Albert** (Department of Defense, Defense Criminal Investigation Service, Boston, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of **Sarah Albert**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:


Justice of the Superior Court

Date: 6/9/17

BY ORDER:


Clerk

Date:

Presented By:

/s/ Alysson M. Gray

ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

Exhibit P:
**Order Granting Applications from Middlesex
Superior Court**

COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX, SS SUPERIOR COURT
C.A. NO. _____

JN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

17-1878

**ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN
TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11**

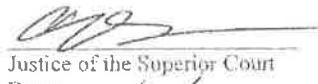
Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that Kenneth Boneau appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 3, 2017 at 10:00 am to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Kenneth Boneau at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

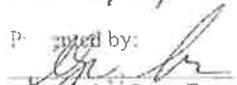
ENTERED as an Order of this Court on 30 day of July, 2017.

ENTER:


Justice of the Superior Court
Date: 6/30/17

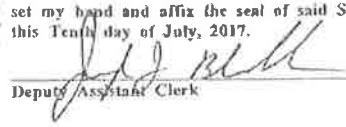
BY ORDER:


Justice of the Superior Court
Date: 6/30/17

Printed by:

Alyson M. Gray, Esq. - BBO # 691843
CAPPILIS, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / agray@ccclaw.org

MIDDLESEX, SS. **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set my hand and affix the seal of said Superior Court
this Tenth day of July, 2017.


Deputy Assistant Clerk

COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT
C.A. NO.

IN RE: ABDUL BARAKAT, M.D.
OCEAN STATE PAIN
MANAGEMENT CLINIC; ET AL.

卷之三

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that Beth Reynolds appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 8, 2017 at 10:00 am to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Beth Reynolds at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 30th day of June, 2017.

ENTER-

Justice of the Superior Court
Date: 6/30/17

卷之三

BY ORDER:

Justice of the Superior Court
Date: 6/30/17

Presented by:

Alysson M. Gray, Esq. - BBO # 691843
CAPPELIS, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / agray@ccclaw.org

MIDDLESEX, ss. **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set my hand and affix the seal of said Superior Court
this Tenth day of July, 2017. //

Deputy Assistant Clerk

IN RE: ABDUL BARAKAT, M.D.
OCEAN STATE PAIN
MANAGEMENT CLINIC; ET AL.

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that Annette Robinson appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 8, 2017 at 2:00 pm to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Annette Robinson at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 30th day of June 2017.

ENTER:

Justice of the Superior Court
Date: 6/12/

G 138/13

BY ORDER

Justice of the Superior Court
Date: 6/30/17

Date: 6/30/17

Presented

Alison M. G.

Alison M. Gray, Esq. BBO # 691843
CAPPLIS, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / agray@ccclaw.org

MIDDLESEX, SS. ***Commonwealth of Massachusetts***
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file and of record made by photographic process, I herebyunto set my hand and affix the seal of said Superior Court this Tenth day of July, 2017.

Deputy Assistant Clerk

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC, ET AL.) 17-1870

**ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN
TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11**

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that Nicholas Booth appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 9, 2017 at 10:00 a.m. to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Nicholas Booth at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 30th day of June 2017.

ENTER:

Justice of the Superior Court
Date: 6/30/17

BY ORDER:

Justice of the Superior Court
Date: 6/30/17

Presented by:

Alysson M. Gray, Esq. - BBO # 691843
CAPPLIS, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / agray@ccclaw.org

MIDDLESEX, SS. ***Commonwealth of Massachusetts***
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I herunto
set my hand and affix the seal of said Superior Court
this Tenth day of July, 2017.

D. m. m.

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that Derek Carvalho appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 9, 2017 at 2:00 p.m. to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Derek Carvalho at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 30th day of June, 2017.

ENTER:

Justice of the Superior Court
Date: 6/30/17

BY ORDER:

Justice of the Superior Court
Date: 6/30/17

Presented by:

Alysson M. Gray, Esq. - BBO # 691843
CAPPLIS, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / agray@ccclaw.org

MIDDLESEX, SS. **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set my hand and affix the seal of said Superior Court
this Tenth day of July, 2017.

Deputy Assistant Clerk

IN RE: ABDUL BARAKAT, M.D.
OCEAN STATE PAIN
MANAGEMENT CLINIC; ET AL.)
)
)

17-1870

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders Owen Finnigan appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 10, 2017 at 10:00 a.m. to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Owen Finnigan at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 30th day of June, 2017.

ENTER:

Justice of the Superior Court
Date: 6/30/12

Digitized by srujanika@gmail.com

BY ORDER:

Justice of the Superior Court
Date: 6/13/17

Presented by:
Alyson M. Gray, Esq.
Alyson M. Gray, Esq. BBO # 691843
CAPPLIS, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / a.gray@ccclaw.org

MIDDLESEX, SS. ***Commonwealth of Massachusetts***
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set my hand and affix the seal of said Superior Court
this Tenth day of July, 2017.

Deputy Assistant Clerk

IN RE: ABDUL BARAKAT, M.D.
OCEAN STATE PAIN
MANAGEMENT CLINIC; ET AL.)

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CII. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that Frank Lombardo appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 10, 2017 at 2:00 p.m. to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Frank Lombardo at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 30th day of June, 2017.

ENTER:

Justice of the Superior Court
Date: 6/30/17

BY ORDER:

Justice of the Superior Court
Date: 6/30/17

Presented by:

Alysson M. Gray, Esq. - BBO # 691843
CAPPIS, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / a.gray@ccclaw.org

MIDDLESEX, SS. **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file and of record made by photographic process, I hereunto set my hand and affix the seal of said Superior Court this Tenth day of July, 2017.

Deputy Assistant Clerk

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT
C.A. NO.

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PATH)
MANAGEMENT CLINIC; ET AL.)

17-1870

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN
TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

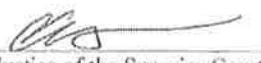
Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that, pursuant to Rule 30(6)(6), UniFirst Corp. A/D/B/A UniClean Cleanroom Services appear at Cappis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 11, 2017 at 10:00 a.m. to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of UniFirst Corp. A/D/B/A UniClean Cleanroom Services at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 30 day of June, 2017.

ENTER:

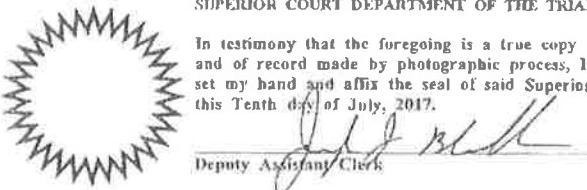

Justice of the Superior Court
Date: 6/30/17

BY ORDER:


Justice of the Superior Court
Date: 6/30/17

MIDDLESEX, SS : **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set my hand and affix the seal of said Superior Court
this Tenth day of July, 2017.


Deputy Assistant Clerk

MIDDLESEX, SS
COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT
C.A. NO. _____

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

**ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN
TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11**

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that Edwin Cardona appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 11, 2017 at 2:00 pm to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Edwin Cardona at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 24 day of July, 2017.

ENTER:


Justice of the Superior Court
Date: 6/30/17

BY ORDER:

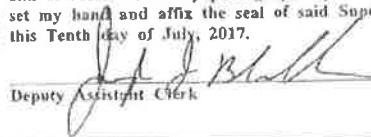

Justice of the Superior Court
Date: 6/30/17

Presented by:


Alysson M. Gray, Esq. - BBO # 691843
CAPPILIS, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / agray@ccclaw.org

MIDDLESEX, SS. **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set my hand and affix the seal of said Superior Court
this Tenth day of July, 2017.


Deputy Assistant Clerk

IN RE: ABDUL HARAkat, M.D.
OCEAN STATE PAIN
MANAGEMENT CLINIC; ET AL.)

17-1870

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that Edgardo Camacho appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 15, 2017 at 10:00 a.m. to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Edgardo Camacho at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 30th day of June, 2017.

ENTER.

Justice of the Superior Court
Date: 6/30/17

BY ORDER:

Justice of the Superior Court
Date: 6/30/17

Presented by:

Alysson M. Gray, Esq. - BBO # 691843
CAPPLIS, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / agray@ccclaw.org

MIDDLESEX, SS. *Commonwealth of Massachusetts*
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file and of record made by photographic process, I hereunto set my hand and affix the seal of said Superior Court this Tenth day of July, 2017.

Deputy Assistant Clerk

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that Suneela Mistry appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 14, 2017 at 2:00 pm to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Suneela Mistry at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 30th day of June, 2017.

ENTER:

Justice of the Superior Court
Date: 6/30/07

Presented by:

Alysson M. Gray, Esq. - BBO # 691843
CAPPELIS, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / a.gray@ccclaw.org

BY ORDER.

Justice of the Superior Court
Date: 6/26/12

MIDDLESEX, SS. **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set my hand and affix the seal of said Superior Court
this Tenth day of July, 2017.

—
—

17-180

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CII. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that the Food and Drug Administration (Winchester, MA), pursuant to Rule 30(b)(6) appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 15, 2017 at 10:00 a.m. to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of the Food and Drug Administration at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 36th day of June, 2017.

ENTER:

Justice of the Superior Court
Date: 6/30/17

Date: 6/30/17

BY ORDER:

Justice of the Superior Court
Date: 6/30/17

Date: 6/30/17

MIDDLESEX, SS. **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set my hand and affix the seal of said Superior Court
this Tenth day of July, 2017.

Deputy Assistant Clerk

Exhibit Q:

**Subpoenas and Deposition Notices Served Upon
Mr. Boneau, Ms. Reynolds, Ms. Robinson, Mr.
Booth, Mr. Carvalho, Mr. Finnigan, Mr.
Lombardo, UniFirst a/d/b/a UniClean, Mr.
Cardona, Ms. Mistry, Mr. Camacho, and the
FDA**

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT
C.A. NO. 17-1870

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

SUBPOENA

To: Kenneth Boncav
28 Bonito Drive
Framingham, MA 01701

By Authority of the State of Massachusetts, **Kenneth Boneau** is hereby commanded to appear for a deposition to be held at the office of Capplis, Connors and Carroll, P.C., 18 Tremont St., suite 330, Boston, MA 02108 on **August 3, 2017 at 10:00 a.m.** or to such day thereafter and within 60 days hereof, to testify what you know in a certain Civil Action pending in the Superior Court of the State of Rhode Island, Docket at Providence, bearing docket number NO: PC-2013-3207, between:

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

Hereof fail not as you will answer your default under the pains and penalties in the law in that behalf make and provided.


ALYSSON M. GRAY-BBO #691843
Attorney for Defendant,
Capplis, Connors & Carroll, PC
18 Tremont Street, Suite 330
Boston, MA 02108
(617) 227-0722

On this _____ day of _____ 2017, before me,
The undersigned notary public, personally appeared
_____, proved to me through
satisfactory evidence of identification, which were
_____, to be the person
whose name is signed on the preceding or attached
Document in my presence.

Notary Public
My Commission Expires:

IN RE: ABDUL BARAKAT, M.D.
OCEAN STATE PAIN
MANAGEMENT CLINIC; ET AL.

شیوه حساب

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that Kenneth Bonneau appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 3, 2017 at 10:00 am to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Kenneth Bonneau at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 30 day of Dec, 2017.

ENTER:

Justice of the Superior Court
Date: 6/30/17

Printed by:

Alysson M. Gray, Esq. - BBO # 6911
CAPPLIS, CONNORS, & CARROL
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / agray@ccclaw.org

BY ORDER:

Justice of the Superior Court
Date: 6/30/17

MIDDLESEX, SS. **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set my hand and affix the seal of said Superior Court
this Tenth day of July, 2017.

Deputy Assistant Clerk

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

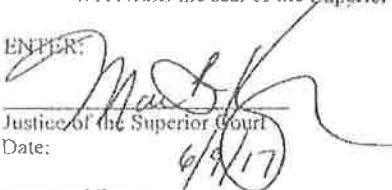
COMMISSION

This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of Kenneth Boneau (Framingham, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of Kenneth Boneau, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTERED:


Justice of the Superior Court
Date: 6/9/17

BY ORDER:


Clerk
Date:

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

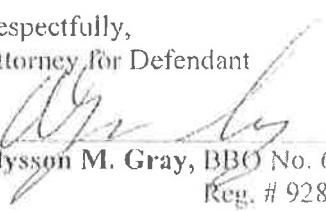
NOTICE OF TAKING DEPOSITION

TO: Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Please take notice that, at 10:00 am, on August 3, 2017, at the offices of Capplis Connors and Carroll, P.C., 18 Tremont Street, Suite 330, Boston, Massachusetts, the Defendant(s) in this action, by his (her) (its) attorney(s), will take the deposition upon oral examination of Kenneth Boneau; 28 Bonito Drive, Framingham, MA 01701 before a notary public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Respectfully,
Attorney for Defendant


Alysson M. Gray, BBO No. 691843 (MA)
Reg. # 9285 (RI)

DATED: June 19, 2017

STATE OF RHODE ISLAND
PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 19th day of June 2017, I served and filed the following document:

NOTICE OF TAKING DEPOSITION OF KENNETH J. BONEAU

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Kenneth Boneau** (Framingham, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of **Kenneth Boneau**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:


Justice of the Superior Court
Date: 6/9/17

BY ORDER:


Clerk
Date:

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street -- Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccelaw.org

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT
C.A. NO. 17-1870

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

SUBPOENA

To: Beth Reynolds
50 Edger Drive
Framingham, MA 01701

By Authority of the State of Massachusetts, Beth Reynolds is hereby commanded to appear for a deposition to be held at the office of Capplis, Connors and Carroll, P.C., 18 Tremont St.; suite 330, Boston, MA 02108 on August 8, 2017 at 10:00 a.m. or to such day thereafter and within 60 days hereof, to testify what you know in a certain Civil Action pending in the Superior Court of the State of Rhode Island, Docket at Providence, bearing docket number NO: PC-2013-3207, between:

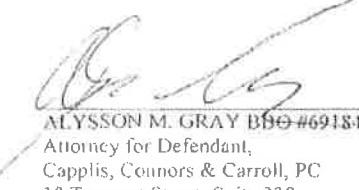
STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

Hereof fail not as you will answer your default under the pains and penalties in the law in
that behalf make and provided.


ALYSSON M. GRAY BBO #691843
Attorney for Defendant,
Capplis, Connors & Carroll, PC
18 Tremont Street, Suite 330
Boston, MA 02108
(617) 227-0722

On this _____ day of _____, 2017, before me,
The undersigned notary public, personally appeared
_____, proved to me through
satisfactory evidence of identification, which were
_____, to be the person
whose name is signed on the preceding or attached
Document in my presence.

Notary Public
My Commission Expires:

IN RE: ABDUL BARAKAT, M.D.
OCEAN STATE PAIN
MANAGEMENT CLINIC; ET AL.)

17-1870

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that Beth Reynolds appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 8, 2017 at 10:00 am to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Beth Reynolds at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 30th day of June, 2017.

ENTER:

Justice of the Superior Court
Date: 6/30/17

BY ORDER:

Justice of the Superior Court
Date: 6/30/12

Presented by:

Alysson M. Gray, Esq. - BBO # 691843
CAPPLIS, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / agray@ccclaw.org

MIDDLESEX, SS. **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set my hand and affix the seal of said Superior Court
this Tenth day of July, 2017.

Deputy Assistant Clerk

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

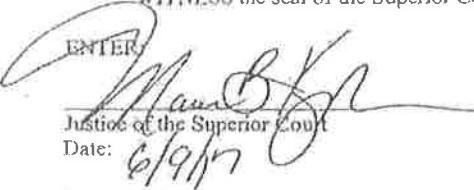
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of Beth Reynolds (Framingham, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of Beth Reynolds, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER

Justice of the Superior Court
Date: 6/9/17

BY ORDER:

Clerk
Date:

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street - Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

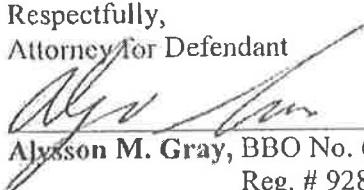
NOTICE OF TAKING DEPOSITION

TO: Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Please take notice that, at 10:00 a.m. on August 8, 2017, at the offices of Capplis Connors and Carroll, P.C., 18 Tremont Street, Suite 330, Boston, Massachusetts, the Defendant(s) in this action, by his (her) (its) attorney(s), will take the deposition upon oral examination of Beth Reynolds: 50 Edgell Drive, Framingham, MA 01701 before a notary public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Respectfully,
Attorney for Defendant


Alysson M. Gray, BBO No. 691843 (MA)
Reg. # 9285 (RI)

DATED: June 19, 2017

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 19th day of June 2017, I served and filed the following document:

NOTICE OF TAKING DEPOSITION OF BETH REYNOLDS

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of Beth Reynolds (Framingham, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of Beth Reynolds, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER

Justice of the Superior Court
Date: 6/9/17

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

BY ORDER:

Clerk

Date:

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT
C.A. NO. 17-1870

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

SUBPOENA

To: Annette Robinson
3 Auciello Drive
Hopkinton, MA 01748

By Authority of the State of Massachusetts, **Annette Robinson** is hereby commanded to appear for a deposition to be held at the office of Capplis, Connors and Carroll, P.C., 18 Tremont St., Suite 330, Boston, MA 02108 on August 8, 2017 at 2:00 p.m. or to such day thereafter and within 60 days hereof, to testify what you know in a certain Civil Action pending in the Superior Court of the State of Rhode Island, Docket at Providence, bearing docket number NO: PC-2013-3207, between:

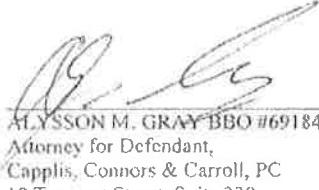
STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

Hereof fail not as you will answer your default under the pains and penalties in the law in
that behalf make and provided.


ALYSSON M. GRAY BBO #691843
Attorney for Defendant,
Capplis, Connors & Carroll, PC
18 Tremont Street, Suite 330
Boston, MA 02108
(617) 227-0722

On this _____ day of _____ 2017, before me,
The undersigned notary public, personally appeared
_____, proved to me through
satisfactory evidence of identification, which were
_____, to be the person
whose name is signed on the preceding or attached
Document in my presence.

Notary Public
My Commission Expires:

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

**ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN
TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11**

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that Annette Robinson appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 8, 2017 at 2:00 pm to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Annette Robinson at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 36th day of June 2017.

ENTER ·

Justice of the Superior Court
Date: 6/30/17

Presented by:

Alanson M. Gray, Esq. BBO # 691843
CAPPLIS, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / agray@ccelaw.org

BY ORDER.

Justice of the Superior Court
Date: 6/30/17

Date: 6/30/17

MIDDLESEX, SS. **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file and of record made by photographic process, I hereunto set my hand and affix the seal of said Superior Court this Tenth day of July, 2017.

Deputy Assistant Clerk

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

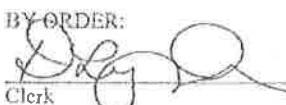
This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of Annette Robinson (3 Auciello Drive, Hopkinton, MA 01748), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of Annette Robinson, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

BY ORDER:

Justice of the Superior Court
Date: 6/9/17

BY ORDER:

Clerk
Date:

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street - Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
))
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

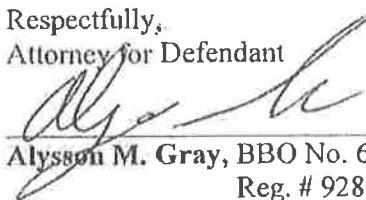
NOTICE OF TAKING DEPOSITION

TO: Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Please take notice that, at 2:00 pm on August 8, 2017, at the offices of Capplis Connors and Carroll, P.C., 18 Tremont Street, Suite 330, Boston, Massachusetts, the Defendant(s) in this action, by his (her) (its) attorney(s), will take the deposition upon oral examination of Annette Robinson: 3 Auciello Drive, Hopkinton, MA 01748 August 8, 2017 at 2:00 p.m. before a notary public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Respectfully,
Attorney for Defendant


Alysson M. Gray, BBO No. 691843 (MA)
Reg. # 9285 (RI)

DATED: June 19, 2017

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 19th day of June 2017, I served and filed the following document:

NOTICE OF TAKING DEPOSITION ANNETTE ROBINSON

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the **State of Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Annette Robinson** (3 Auciello Drive, Hopkinton, MA 01748), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the **State of Massachusetts** is hereby required to take the deposition of **Annette Robinson**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/17

Presented By:

BY ORDER:

Clerk
Date:

/s/ Alysson M. Gray _____
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT
C.A. NO. 17-1870

IN RE: ABDUL BARAKAT, M.D.
OCEAN STATE PAIN
MANAGEMENT CLINIC; ET AL.

)
)
)

SUBPOENA

To: Nicolas Booth
10 Easton Road
Hopkinton, MA 01748

By Authority of the State of Massachusetts, Nicholas Booth is hereby commanded to appear for a deposition to be held at the office of Capplis, Connors and Carroll, P.C., 18 Tremont St., Suite 330, Boston, MA 02108 on August 9, 2017 at 10:00 a.m. or to such day thereafter and within 60 days hereof, to testify what you know in a certain Civil Action pending in the Superior Court of the State of Rhode Island, Docket at Providence, bearing docket number NO: PC-2013-3207, between:

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
AJJISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

Whereof fail not as you will answer your default under the pains and penalties in the law in
that behalf make and provided.


ALYSSON M. GRAY BBO #691843
Attorney for Defendant,
Capplis, Connors & Carroll, PC
18 Tremont Street, Suite 330
Boston, MA 02108
(617) 227-0722

On this _____ day of _____ 2017, before me,
The undersigned notary public, personally appeared
_____, proved to me through
satisfactory evidence of identification, which were
_____, to be the person
whose name is signed on the preceding or attached
Document in my presence.

Notary Public
My Commission Expires:

IN RE: ABDUL BARAKAT, M.D.
OCEAN STATE PAIN
MANAGEMENT CLINIC; ET AL.

17-1870

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that Nicholas Booth appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 9, 2017 at 10:00 a.m. to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Nicholas Booth at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 30th day of June 2017.

ENTER:

Justice of the Superior Court
Date: 6/30/17

BY ORDER:

Justice of the Superior Court
Date: 6/30/17

Presented by:

Alysson M. Gray, Esq. - BBO # 691843
CAPPLIS, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / agray@ccclaw.org

MIDDLESEX, SS. *Commonwealth of Massachusetts*
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set my hand and affix the seal of said Superior Court
this Tenth day of July, 2017.

Deputy Assistant City

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHIMIEDEKNECHT and)
WAYNE SCHIMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCIIMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of Nicholas Booth (Framingham, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of Nicholas Booth, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108,

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTERED

Justice of the Superior Court
Date: 6/9/17

BY ORDER:

Clerk
Date:

Presented By:

Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

STATE OF RHODE ISLAND

MIDDLESEX, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
))
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

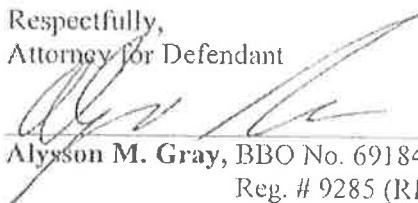
NOTICE OF TAKING DEPOSITION

TO: Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Please take notice that, at 10:00 a.m., on August 9, 2017, at the offices of Cappis Connors and Carroll, P.C., 18 Tremont Street, Suite 330, Boston, Massachusetts, the Defendant(s) in this action, by his (her) (its) attorney(s), will take the deposition upon oral examination of Nicholas Booth: 10 Easton Road, Framingham, MA 01701 before a notary public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Respectfully,
Attorney for Defendant


Alysson M. Gray, BBO No. 691843 (MA)
Reg. # 9285 (RI)

DATED: June 19, 2017

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 19th day of June 2017, I served and filed the following document:

NOTICE OF TAKING DEPOSITION OF NICHOLAS BOOTH

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Nicholas Booth** (Framingham, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of **Nicholas Booth**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date:

Presented By:

BY ORDER:

Clerk
Date:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT
C.A. NO. 17-1870

IN RE: ABDUL BARAKAT, M.D.
OCEAN STATE PAIN
MANAGEMENT CLINIC; ET AL.)
)
)

SUBPOENA

To: Derek Carvalho
13 Tiffany Lane
Hudson, MA 01701

By Authority of the State of Massachusetts, Derek Carvalho is hereby commanded to appear for a deposition to be held at the office of Capplis, Connors and Carroll, P.C., 18 Tremont St., suite 330, Boston, MA 02108 on August 9, 2017 at 2:00 p.m. or to such day thereafter and within 60 days hereof, to testify what you know in a certain Civil Action pending in the Superior Court of the State of Rhode Island, Docket at Providence, bearing docket number NO: PC-2013-3207, between:

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

Hereof fail not as you will answer your default under the pains and penalties in the law in
that behalf make and provided.


ALYSSON M. GRAY #BO #691843
Attorney for Defendant,
Capplis, Connors & Carroll, PC
18 Tremont Street, Suite 330
Boston, MA 02108
(617) 227-0727

On this ____ day of _____, 2017, before me,
The undersigned notary public, personally appeared
_____, proved to me through
satisfactory evidence of identification, which were
_____ to be the person
whose name is signed on the preceding or attached
Document in my presence.

Notary Public
My Commission Expires:

IN RE: ABDUL BARAKAT, M.D.
OCEAN STATE PAIN
MANAGEMENT CLINIC; ET AL.

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that Derek Carvalho appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 9, 2017 at 2:00 p.m. to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Derek Carvalho at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 30th day of June, 2017.

ENTER:

Justice of the Superior Court
Date: 6/30/17

BY ORDER:

Justice of the Superior Court
Date: 6/30/17

Presented by

Alysson M. Gray, Esq. - BBO # 691843
CAPPLIS, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / agray@ccclaw.org

MIDDLESEX, SS. **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURTS

In testimony that the foregoing is a true copy on file and of record made by photographic process, I hereunto set my hand and affix the seal of said Superior Court this Tenth day of July, 2017.

Deputy Assistant Clerk

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

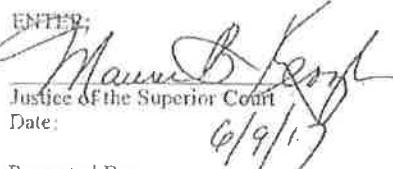
COMMISSION

This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of Derek Carvalho (Hudson, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of Derek Carvalho, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

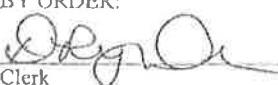
ENTERED:


Justice of the Superior Court
Date: 6/9/13

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street - Suite 330
Boston, MA 02108
(617) 227-0722
ngray@ccclaw.org

BY ORDER:


Clerk
Date:

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

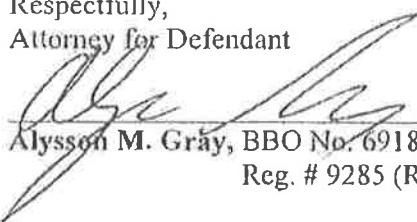
NOTICE OF TAKING DEPOSITION

TO: Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Please take notice that, at 2:00 p.m., on August 9, 2017, at the offices of Capplis Connors and Carroll, P.C., 18 Tremont Street, Suite 330, Boston, Massachusetts, the Defendant(s) in this action, by his (her) (its) attorney(s), will take the deposition upon oral examination of Derek Carvalho: 13 Tiffany Lane, Hudson, MA 01749 before a notary public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Respectfully,
Attorney for Defendant


Alysson M. Gray, BBO No. 691843 (MA)
Reg. # 9285 (RI)

DATED: June 19, 2017

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 19th day of June 2017, I served and filed the following document:

NOTICE OF TAKING DEPOSITION OF DEREK CARVALHO

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

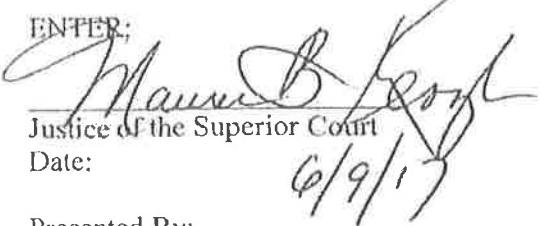
COMMISSION

This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of **Derek Carvalho** (Hudson, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of **Derek Carvalho**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:



Justice of the Superior Court
Date: 6/9/13

Presented By:

BY ORDER:



Clerk
Date:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT
C.A. NO. 17-1870

IN RE: ABDUL BARAKAT, M.D.
OCEAN STATE PAIN
MANAGEMENT CLINIC; ET AL.

SUBPOENA

To: Frank Lombardo
109 Holton Street
Winchester, MA 018901

By Authority of the State of Massachusetts, Frank Lombardo is hereby commanded to appear for a deposition to be held at the office of Capplis, Connors and Carroll, P.C., 18 Tremont St., Suite 330, Boston, MA 02108 on **August 10, 2017 at 2:00 p.m.** or to such day thereafter and within 60 days hereof, to testify what you know in a certain Civil Action pending in the Superior Court of the State of Rhode Island, Docket at Providence, bearing docket number NO: PC-2013-3207, between:

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and
WAYNE SCHMIEDEKNECHT, SR.,
Individually and as p.p.a. GRACE E.
SCHMIEDEKNECHT, a minor and
ALLISON K. NEWCUM,
Plaintiffs
VS.
ABDUL R. BARAKAT, M.D. and OCEAN
STATE PAIN MANAGEMENT, P.C., et al
Defendants

Hereof fail not as you will answer your default under the pains and penalties in the law in that behalf make and provided.

ALYSSON M. GRAY BBO #691843
Attorney for Defendant,
Cappis, Connors & Carroll, PC
18 Tremont Street, Suite 330
Boston, MA 02108
(617) 227-0722

Notary Public
My Commission Expires:

IN RE: ABDUL BARAKAT, M.D.
OCEAN STATE PAIN
MANAGEMENT CLINIC; ET AL.)

**ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN
TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11**

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that Frank Lombardo appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 10, 2017 at 2:00 p.m. to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Frank Lombardo at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 30th day of June, 2017.

ENTER:

Justice of the Superior Court
Date: 6/30/17

BY ORDER:

Justice of the Superior Court
Date: 6/30/13

6100117

Presented by:

Alysson M. Gray, Esq. - BBO # 691843
CAPPLIS, CONNORS, & CARROLI, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / agray@ccclaw.org

MIDDLESEX, SS. **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set my hand and affix the seal of said Superior Court
this Tenth day of July, 2017.

Deputy Assistant Clerk

STATE OF RHODE ISLAND

PROVIDENCE SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of Frank Lombardo (Food and Drug Administration, Office of Criminal Investigation, Wakefield, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of Frank Lombardo, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

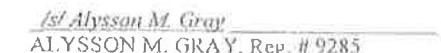
WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:


Justice of the Superior Court

Date: 6/9/17

Presented By:


At Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street -- Suite 330
Boston, MA 02108
(617) 227-0722

BY ORDER:


Clerk

Date:

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALISON K. NEWCUM,)
Plaintiffs)
VS.)
))
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

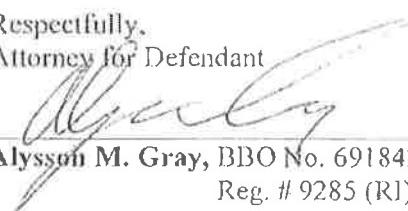
NOTICE OF TAKING DEPOSITION

TO: Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Please take notice that, at 2:00 p.m., on August 10, 2017, at the offices of Capplis Connors and Carroll, P.C., 18 Tremont Street, Suite 330, Boston, Massachusetts, the Defendant(s) in this action, by his (her) (its) attorney(s), will take the deposition upon oral examination of Frank Lombardo: 109 Holton Street, Suite 500, Boston, MA 02114 before a notary public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Respectfully,
Attorney for Defendant


Alysson M. Gray, BBO No. 691843 (MA)
Reg. # 9285 (RI)

DATED: June 19, 2017

PATRICIA SCHMIEDEKNECHT and
WAYNE SCHMIEDEKNECHT, SR.,
Individually and as p.p.a. GRACE E.
SCHEIMIEDEKNECHT, a minor and
ALLISON K. NEWCUM,
Plaintiffs
vs.
ABDUL R. BARAKAT, M.D. and OCEAN STATE PAIN MANAGEMENT, P.C., et al
Defendants

CERTIFICATE OF SERVICE

I hereby certify that, on the 19th day of June 2017, I served and filed the following document:

NOTICE OF TAKING DEPOSITION OF FRANK LOMBARDO

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

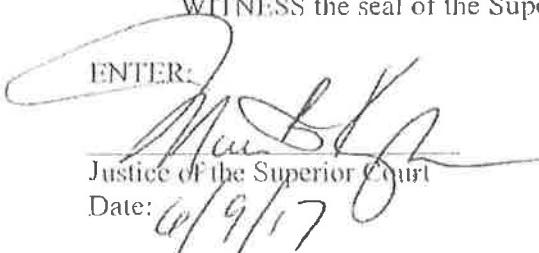
COMMISSION

This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of **Frank Lombardo** (Food and Drug Administration, Office of Criminal Investigation, Wakefield, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of **Frank Lombardo**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

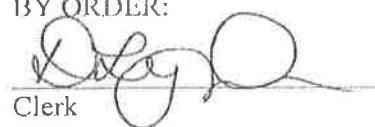
WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:


Justice of the Superior Court
Date: 6/9/17

Presented By:

BY ORDER:


Clerk
Date:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT
C.A. NO. 17-1870

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

SUBPOENA

To: 30(b)(6) UniFirst Corp. A/D/B/A UniClean Cleanroom Services
Counsel: Robert Braceras, Esquire
100 Norton Avenue
Boston, MA 02210

By Authority of the State of Massachusetts, 30(b)(6) UniFirst Corp. A/D/B/A UniClean Cleanroom Services is hereby commanded to appear for a deposition to be held at the office of Cappis, Connors and Carroll, P.C., 18 Tremont St., Suite 330, Boston, MA 02108 on August 11, 2017 at 10:00 a.m. or to such day thereafter and within 60 days hereof, to testify what you know in a certain Civil Action pending in the Superior Court of the State of Rhode Island, Docket at Providence, bearing docket number NO: PC-2013-3207, between:

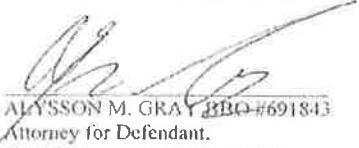
STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

Hereof fail not as you will answer your default under the pains and penalties in the law in
that behalf make and provided.


ALYSSON M. GRAY BBO #691843
Attorney for Defendant
Cappis, Connors & Carroll, PC
18 Tremont Street, Suite 330
Boston, MA 02108
(617) 227-0722

On this ____ day of _____ 2017, before me,
The undersigned notary public, personally appeared
_____, proved to me through
satisfactory evidence of identification, which were
_____, to be the person
whose name is signed on the preceding or attached
Document in my presence.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT
C.A. NO. _____

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

17-1870

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN
TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that, pursuant to Rule 30(6)(6), UniFirst Corp. A/D/B/A UniClean Cleanroom Services appear at Cappis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 11, 2017 at 10:00 a.m. to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of UniFirst Corp. A/D/B/A UniClean Cleanroom Services at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 30th day of June, 2017.

ENTER:

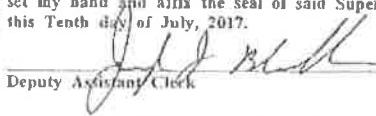

Justice of the Superior Court
Date: 6/30/17

BY ORDER:


Justice of the Superior Court
Date: 6/30/17

MIDDLESEX, SS. : *Commonwealth of Massachusetts*
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set my hand and affix the seal of said Superior Court
this Tenth day of July, 2017.


Deputy Assistant Clerk

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

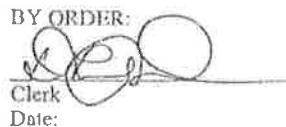
This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the 30(b)(6) deposition of the UniFirst Corporation A/D/B/A/ UniClean Cleanroom Services, on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part therof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of the UniFirst Corporation A/D/B/A/ UniClean Cleanroom Services, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108,

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTERED:

Justice of the Superior Court
Date:

BY ORDER:

Clerk
Date:

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street — Suite 330
Boston, MA 02108
(617) 227 0722

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
))
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

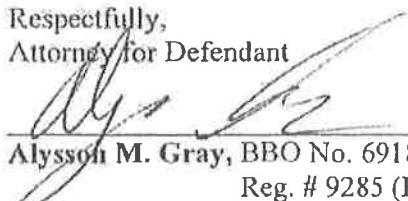
NOTICE OF TAKING DEPOSITION

TO: Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Please take notice that, at 10:00 a.m. on August 11, 2017, at the offices of Capplis Connors and Carroll, P.C., 18 Tremont Street, Suite 330, Boston, Massachusetts, the Defendant(s) in this action, by his (her) (its) attorney(s), will take the 30(b)(6) deposition upon oral examination of UniFirst Corp. A/D/B/A UniClean Cleanroom Services before a notary public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Respectfully,
Attorney for Defendant


Alysson M. Gray, BBO No. 691843 (MA)
Reg. # 9285 (RI)

DATED: June 19, 2017

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 19th day of June 2017, I served and filed the following document:

*NOTICE OF TAKING 30(B)(6) DEPOSITION OF UNIFIRST CORP. A/D/B/A UNICLEAN
CLEANROOM SERVICES*

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

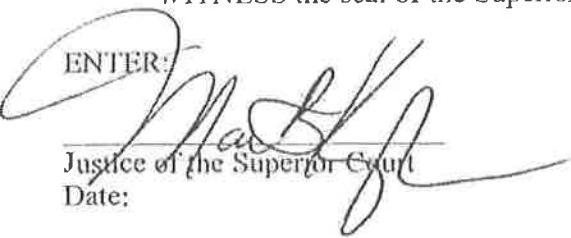
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

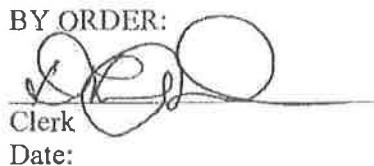
COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the 30(b)(6) deposition of the **UniFirst Corporation A/D/B/A/ UniClean Cleanroom Services**, on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of the **UniFirst Corporation A/D/B/A/ UniClean Cleanroom Services**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date:

BY ORDER:

Clerk
Date:

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT
C.A. NO. 17-1870

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

SUBPOENA

To: Edwin Cardona
Counsel: Robert Braceras, Esquire
100 Norton Avenue
Boston, MA 02210

By Authority of the State of Massachusetts, **Edwin Cardona** is hereby commanded to appear for a deposition to be held at the office of Cappis, Connors and Carroll, P.C., 18 Tremont St., Suite 330, Boston, MA 02108 on August 11, 2017 at 2:00 p.m. or to such day thereafter and within 60 days hereof, to testify what you know in a certain Civil Action pending in the Superior Court of the State of Rhode Island, Docket at Providence, bearing docket number NO: PC-2013-3207, between:

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

Hereof fail not as you will answer your default under the pains and penalties in the law in that behalf make and provided.


ALYSSON M. GRAY BBO#691843
Attorney for Defendant
Cappis, Connors & Carroll, PC
18 Tremont Street, Suite 330
Boston, MA 02108
(617) 227-0722

On this _____ day of _____ 2017, before me,
The undersigned notary public, personally appeared
_____, proved to me through
satisfactory evidence of identification, which were
_____, to be the person
whose name is signed on the preceding or attached
Document in my presence.

Notary Public
My Commission Expires:

IN RE: ABDUL BARAKAT, M.D.
OCEAN STATE PAIN
MANAGEMENT CLINIC; ET AL.

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that Edwin Cardona appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 11, 2017 at 2:00 pm to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Edwin Cardona at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 24th day of June, 2017.

ENTER.

BY ORDER:

Justice of the Superior Court
Date: 6/30/17

Justice of the Superior Court
Date: 6/30/17

Presented by:

Alysson M. Gray, Esq. - BBO # 691843
CAPPLIS, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / agray@ccclaw.org

MIDDLESEX, SS. **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file and of record made by photographic process, I hereunto set my hand and affix the seal of said Superior Court this Tenth day of July, 2017.

Damny Asztalok Park

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

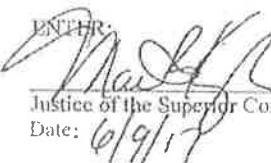
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

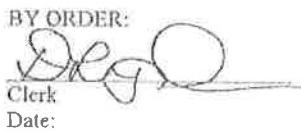
COMMISSION

This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of Edwin Cardona (UniClean, Nashua, NH), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of Edwin Cardona, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island,

ENTERED:

Justice of the Superior Court
Date: 6/9/17

BY ORDER:

Clerk
Date:

Presented By:

As Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street Suite 330
Boston, MA 02108
(617) 227-0722
agray@ceclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

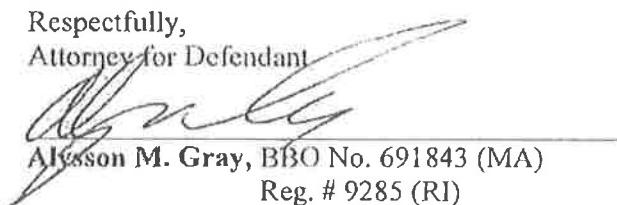
NOTICE OF TAKING DEPOSITION

TO: Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Please take notice that, at 2:00 p.m. on August 11, 2017 at the offices of Capplis Connors and Carroll, P.C., 18 Tremont Street, Suite 330, Boston, Massachusetts, the Defendant(s) in this action, by his (her) (its) attorney(s), will take the deposition upon oral examination of Edwin Cardona before a notary public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Respectfully,
Attorney for Defendant



Allison M. Gray, BBO No. 691843 (MA)
Reg. # 9285 (RI)

DATED: June 19, 2017

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 19th day of June 2017, I served and filed the following document:

NOTICE OF TAKING DEPOSITION OF EDWIN CARDONA

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

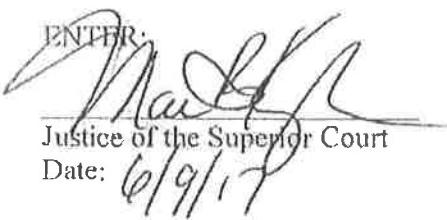
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Edwin Cardona (UniClean, Nashua, NH)**, on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of **Edwin Cardona**, and to return the transcript of the same with a copy of this commission to: **Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.**

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/17

BY ORDER:

Clerk
Date:

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT
C.A. NO. 17-1870

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

SUBPOENA

To: Edgar Camacho
Counsel: Robert Braceras, Esquire
100 Norton Avenue
Boston, MA 02210

By Authority of the State of Massachusetts, **Edgar Camacho** is hereby commanded to appear for a deposition to be held at the office of Capplis, Connors and Carroll, P.C., 18 Tremont St., Suite 330, Boston, MA 02108 on August 14, 2017 at 10:00 a.m. or to such day thereafter and within 60 days hereof, to testify what you know in a certain Civil Action pending in the Superior Court of the State of Rhode Island, Docket at Providence, bearing docket number NO: PC-2013-3207, between:

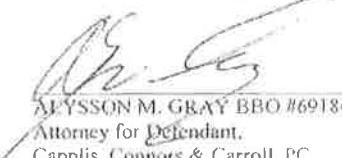
STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

Hereof fail not as you will answer your default under the pains and penalties in the law in
that behalf make and provided.


ALYSSON M. GRAY BBO #691843
Attorney for Defendant.
Capplis, Connors & Carroll, PC
18 Tremont Street, Suite 330
Boston, MA 02108
(617) 227-0722

On this _____ day of _____ 2017, before me,
The undersigned notary public, personally appeared
_____, proved to me through
satisfactory evidence of identification, which were
_____, to be the person
whose name is signed on the preceding or attached
Document in my presence.

Notary Public
My Commission Expires:

17-1870

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CII. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that Edgardo Camacho appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 15, 2017 at 10:00 a.m. to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Edgardo Camacho at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 30th day of June, 2017.

ENTER:

Justice of the Superior Court
Date: 6/30/17

BY ORDER.

Justice of the Superior Court
Date: 6/30/17

Presented by:

Ayssen M. Gray, Esq. - BBO # 691843
CAPPLIS, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / a.gray@ccclaw.org

MIDDLESEX, SS. **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set my hand and affix the seal of said Superior Court
this Tenth day of July, 2017.

Demify Assistant Client

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

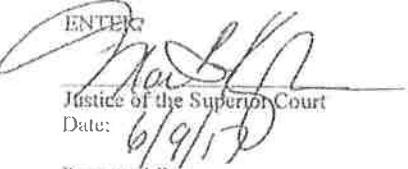
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of Edgardo Camacho (UniClean, Nashua, NH), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

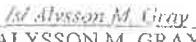
Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of Edgardo Camacho, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108,

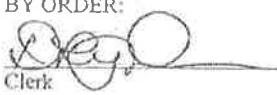
WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTERED

Justice of the Superior Court

Date: 6/9/13

Presented By:


ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street - Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

BY ORDER:

Clerk
Date:

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

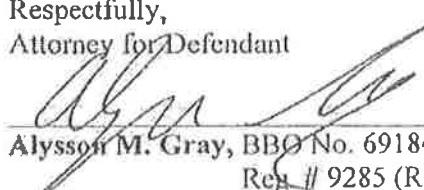
NOTICE OF TAKING DEPOSITION

TO: Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Please take notice that, at August 14, 2017, on 10:00 a.m., at the offices of Cappis Connors and Carroll, P.C., 18 Tremont Street, Suite 330, Boston, Massachusetts, the Defendant(s) in this action, by his (her) (its) attorney(s), will take the deposition upon oral examination of Edardo Camacho before a notary public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Respectfully,
Attorney for Defendant


Alysson M. Gray, BBO No. 691843 (MA)
Reg # 9285 (RI)

DATED: June 19, 2017

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 19th day of June 2017, I served and filed the following document:

NOTICE OF TAKING DEPOSITION OF EDARDO CAMACHO

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

1st Alysson M. Gray
ALYSSON M. GRAY

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

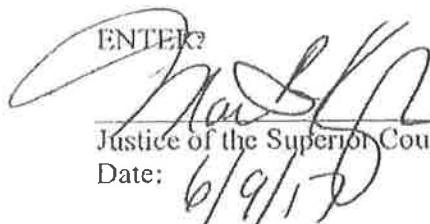
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Edgardo Camacho** (**UniClean, Nashua, NH**), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of **Edgardo Camacho**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.


ENTEK?

Justice of the Superior Court
Date: 6/9/12

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

BY ORDER:


Clerk
Date:

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT
C.A. NO. 17-1870

IN RE: ABDUL BARAKAT, M.D.
OCEAN STATE PAIN
MANAGEMENT CLINIC, ET AL.

SUBPOENA

To: Suneela Mistry
Counsel: Robert Braceras, Esquire
100 Norton Avenue
Boston, MA 02210

By Authority of the State of Massachusetts, **Suneela Mistry** is hereby commanded to appear for a deposition to be held at the office of Capplis, Connors and Carroll, P.C., 18 Tremont St., Suite 330, Boston, MA 02108 on **August 14, 2017 at 2:00 p.m.** or to such day thereafter and within 60 days hereof, to testify what you know in a certain Civil Action pending in the Superior Court of the State of Rhode Island, Docket at Providence, bearing docket number NO: PC-2013-3207, between:

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

If he or she fail not as you will answer your default under the pains and penalties in the law in that behalf make and provided,


ALYSSON M. GRAY BBO #691843
Attorney for Defendant,
Capplis, Connors & Carroll, PC
18 Tremont Street, Suite 330
Boston, MA 02108
(617) 227-0722

On this _____ day of _____ 2017, before me,
The undersigned notary public, personally appeared
_____, proved to me through
satisfactory evidence of identification, which were
_____, to be the person
whose name is signed on the preceding or attached
Document in my presence.

Notary Public
My Commission Expires:

IN RE: ABDUL, BARAKAT, M.D.
OCEAN STATE PAIN
MANAGEMENT CLINIC; ET AL.)

17-1870

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that Suneela Mistry appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on..

August 14, 2017 at 2:00 pm to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Suneela Mistry at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 30 day of June, 2017.

ENTER:

Justice of the Superior Court
Date: 6/30/17

BY ORDER:

Justice of the Superior Court
Date: 6/26/12

Presented by:

Alysson M. Gray, Esq. - BBO # 691843
CAPPIS, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / agray@ccclaw.org

MIDDLESEX, SS. **Commonwealth of Massachusetts**
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set my hand and affix the seal of said Superior Court
this Tenth day of July, A.D. 2017.

Deputy Assistant Clerk

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

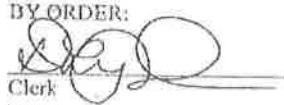
This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of Suneela Mistry (UniClean, Nashua, NH), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of Suneela Mistry, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTERED

Justice of the Superior Court
Date: 6/9/17

BY ORDER:

Clerk
Date:

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

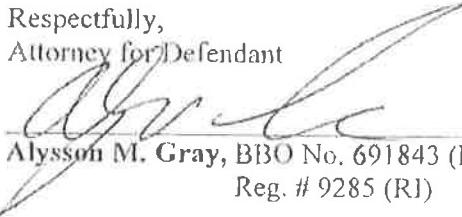
NOTICE OF TAKING DEPOSITION

TO: Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Please take notice that, at 2:00 p.m. on August 14, 2017 at the offices of Capplis Connors and Carroll, P.C., 18 Tremont Street, Suite 330, Boston, Massachusetts, the Defendant(s) in this action, by his (her) (its) attorney(s), will take the deposition upon oral examination of Suneela Mistry before a notary public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Respectfully,
Attorney for Defendant


Alysson M. Gray, BBO No. 691843 (MA)
Reg. # 9285 (RI)

DATED: June 19, 2017

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCIIMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 19th day of June 2017, I served and filed the following document:

NOTICE OF TAKING DEPOSITION OF SUNEELA MISTRY

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

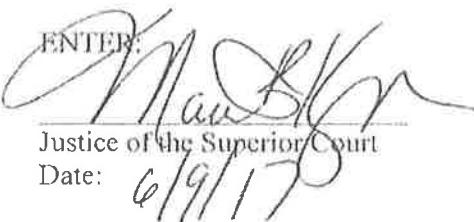
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

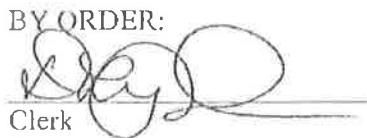
This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Suneela Mistry (UniClean, Nashua, NH)**, on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of **Suneela Mistry**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/17

Presented By:

BY ORDER:

Clerk
Date:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT
C.A. NO. 17-1870

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

SUBPOENA

To: 30(b)(6) Food and Drug Administration
Counsel: Robert Braceras, Esquire
100 Norton Avenue
Boston, MA 02210

By Authority of the State of Massachusetts, 30(b)(6) Food and Drug Administration is hereby commanded to appear for a deposition to be held at the office of Capplis, Connors and Carroll, P.C., 18 Tremont St., Suite 330, Boston, MA 02108 on August 15, 2017 at 10:00 a.m. or to such day thereafter and within 60 days hereof, to testify what you know in a certain Civil Action pending in the Superior Court of the State of Rhode Island, Docket at Providence, bearing docket number NO: PC-2013-3207, between:

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

Hereof fail not as you will answer your default under the pains and penalties in the law in that behalf make and provided.


ALYSSON M. GRAY BBO #691843
Attorney for Defendant,
Capplis, Connors & Carroll, PC
18 Tremont Street, Suite 330
Boston, MA 02108
(617) 227-0722

On this ____ day of ____ 2017, before me,
The undersigned notary public, personally appeared
_____, proved to me through
satisfactory evidence of identification, which were
_____, to be the person
whose name is signed on the preceding or attached
Document in my presence.

Notary Public
My Commission Expires:

IN RE: ABDUL BARAKAT, M.D.
OCEAN STATE PAIN
MANAGEMENT CLINIC, ET AL.

17-1870

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that the Food and Drug Administration (Winchester, MA), pursuant to Rule 30(b)(6) appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 15, 2017 at 10:00 a.m. to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of the Food and Drug Administration at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 36th day of June, 2017.

ENTER-

Justice of the Superior Court
Date: 6/30/17

Date: 6/30/17

BY ORDER:

Justice of the Superior Court
Date: 6/30/17

MIDDLESEX, SS. ***Commonwealth of Massachusetts***
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereunto
set my hand and affix the seal of said Superior Court
this Tenth day of July, 2017.

Deputy Assistant Clerk

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

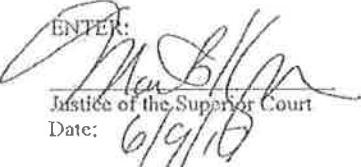
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCIIMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the 30(b)(6) deposition of the Food and Drug Administration, on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of the Food and Drug Administration, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray,
Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WTINESS the seal of the Superior Court for Providence County, Rhode Island.


ENTER:

Justice of the Superior Court
Date: 6/9/10


BY ORDER:

Clerk
Date:

Presented By:


ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street - Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
))
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

NOTICE OF TAKING DEPOSITION

TO: Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Please take notice that, at 10:00 a.m., on August 15, 2017, at the offices of Capplis Connors and Carroll, P.C., 18 Tremont Street, Suite 330, Boston, Massachusetts, the Defendant(s) in this action, by his (her) (its) attorney(s), will take the 30(b)(6) deposition upon oral examination of the Food and Drug Administration (Winchester, MA), pursuant to the applicable provisions of the Massachusetts Rules of Civil Procedure, before Jones Reporting Company, notary public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Respectfully,
Attorney for Defendant

Alysson M. Gray, BBO No. 691843 (MA)
Reg. # 9285 (RI)

DATED: June 19, 2017

PROVIDENCE, SS

STATE OF RHODE ISLAND

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 19th day of June 2017, I served and filed the following document:

NOTICE OF TAKING 30(B)(6) DEPOSITION OF THE FOOD AND DRUG ADMINISTRATION

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrancé Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

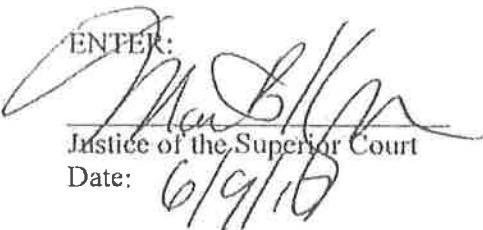
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the 30(b)(6) deposition of the **Food and Drug Administration**, on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of the **Food and Drug Administration**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray,
Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/16

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

BY ORDER:

Clerk
Date:

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT
C.A. NO. 17-1870

IN RE: ABDUL BARAKAT, M.D.)
OCEAN STATE PAIN)
MANAGEMENT CLINIC; ET AL.)

SUBPOENA

To: Owen Finnigan
2 Heritage Road
Dracut, MA 01826

By Authority of the State of Massachusetts, Derek Carvalho is hereby commanded to appear for a deposition to be held at the office of Capplis, Connors and Carroll, P.C., 18 Tremont St., Suite 330, Boston, MA 02108 on August 10, 2017 at 10:00 a.m. or to such day thereafter and within 60 days hereof, to testify what you know in a certain Civil Action pending in the Superior Court of the State of Rhode Island, Docket at Providence, bearing docket number NO: PC-2013-3207, between:

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

Hereof fail not as you will answer your default under the pains and penalties in the law in
that behalf make and provided.


ALYSSON M. GRAY BBO #691843
Attorney for Defendant,
Capplis, Connors & Carroll, PC
18 Tremont Street, Suite 330
Boston, MA 02108
(617) 227-0722

On this _____ day of _____ 2017, before me,
The undersigned notary public, personally appeared
_____, proved to me through
satisfactory evidence of identification, which were
_____, to be the person
whose name is signed on the preceding or attached
Document in my presence.

Notary Public
My Commission Expires:

IN RE: ABDUL BARAKAT, M.D.
OCEAN STATE PAIN
MANAGEMENT CLINIC; ET AL.

17-1870

ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders Owen Finnigan appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on August 10, 2017 at 10:00 a.m. to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of Owen Finnigan at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 30th day of June, 2017.

ENTER:

Justice of the Superior Court
Date: 6/30/12

BY ORDER:

Justice of the Superior Court
Date: 6/13/13

Presented by:

Alysson M. Gray, Esq. #BBO # 691843
CAPPLIS, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / agray@ccclaw.org

MIDDLESEX, ss. ***Commonwealth of Massachusetts***
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

In testimony that the foregoing is a true copy on file
and of record made by photographic process, I hereby
set my hand and affix the seal of said Superior Court
this Tenth day of July, 2017.

Deputy Assistant Chief

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

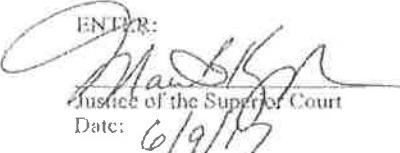
PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

COMMISSION

This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of Owen Finnigan (2 Heritage Road, Dracut, MA 01826), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

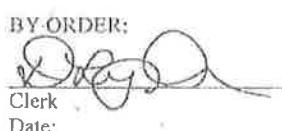
Said Notary Public or other individuals authorized to administer oaths by the State of Massachusetts is hereby required to take the deposition of Owen Finnigan, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:

Justice of the Superior Court
Date: 6/9/15

Presented By:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street - Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

BY ORDER:

Clerk
Date:

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
))
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

NOTICE OF TAKING DEPOSITION

TO: Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Please take notice that, at 10:00 a.m., on August 10, 2017 at the offices of Capplis Connors and Carroll, P.C., 18 Tremont Street, Suite 330, Boston, Massachusetts, the Defendant(s) in this action, by his (her) (its) attorney(s), will take the deposition upon oral examination of Owen Finnigan: 2 Heritage Road, Dracut, MA 01826 before a notary public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Respectfully,
Attorney for Defendant


Alysson M. Gray, BBO No. 691843 (MA)
Reg. # 9285 (RI)

DATED: June 19, 2017

STATE OF RHODE ISLAND

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 19th day of June 2017, I served and filed the following document:

NOTICE OF TAKING DEPOSITION OF OWEN FINNIGAN

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

/s/ Alysson M. Gray
ALYSSON M. GRAY

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

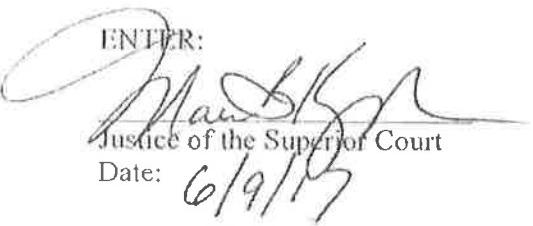
COMMISSION

This Court hereby commissions a Notary Public of the State of Massachusetts, or such other individual authorized to administer oath, to take the deposition of **Owen Finnigan** (2 Heritage Road, Dracut, MA 01826), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of **Owen Finnigan**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:


Justice of the Superior Court

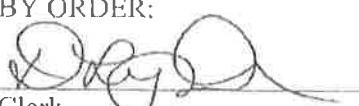
Date: 6/9/13

Presented By:

/s/ Alysson M. Gray

ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street - Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

BY ORDER:


Clerk

Date:

Exhibit R:
**Order Granting Application from Bristol
Superior Court and Deposition Notice**

**ORDER FOR TAKING DEPOSITION IN COMMONWEALTH FOR PROCEEDING IN
TRIBUNAL OUTSIDE COMMONWEALTH PURSUANT TO M.G.L.A. CH. 223A, § 11**

Pursuant to M.G.L.A. ch. 223A, § 11, this Court hereby orders that **Joseph Connolly** appear at Capplis, Connors & Carroll, P.C., 18 Tremont Street, Suite 330, Boston, MA on **August 17, 2017 at 10:00 a.m.** to give testimony for use in proceedings presently pending before the Providence Superior Court of Rhode Island. The taking of testimony shall be governed by the Rules of Civil Procedure of the State of Rhode Island. The testimony will be taken before a Certified Shorthand Reporter or their deputy. Any Notary Public of the Commonwealth of Massachusetts may issue a subpoena, subject to provisions of Mass. R. Civ. P. 45, to compel the appearance and testimony of **Joseph Connolly** at such time and place which is both in accordance with the provisions of Mass. R. Civ. P. 45 and in accordance with the terms of any Notice of Deposition filed and served in Rhode Island.

ENTERED as an Order of this Court on 7 day of July, 2017.

ENTER:

BY ORDER:

Re D
Justice of the Superior Court
Date: 7/7/17

Justice of the Superior Court
Date:

Presented by:

Alysson M. Gray, Esq. - BBO # 691843
APPLIS, CONNORS, & CARROLL, P.C.
18 Tremont Street, #330
Boston, MA 02108
(617) 227-0722 / agray@ccclaw.org

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCIIMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
))
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

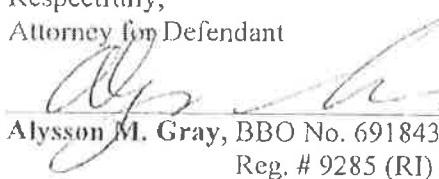
NOTICE OF TAKING DEPOSITION

TO: Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Please take notice that, at 10:00 a.m., on August 17, 2017, at the offices of Capplis Connors and Carroll, P.C., 18 Tremont Street, Suite 330, Boston, Massachusetts, the Defendant(s) in this action, by his (her) (its) attorney(s), will take the deposition upon oral examination of **Joseph Connolly**, pursuant to the applicable provisions of the Massachusetts Rules of Civil Procedure, before Jones Reporting Company, notary public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Respectfully,
Attorney for Defendant


Alysson M. Gray, BBO No. 691843 (MA)
Reg. # 9285 (RI)

DATED: June 21, 2017
cc: Frank Connor, esq.

STATE OF RHODE ISLAND
PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHMIEDEKNECHT and)
WAYNE SCHMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
SCHMIEDEKNECHT, a minor and)
ALLISON K. NEWCUM,)
Plaintiffs)
VS.)
ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

CERTIFICATE OF SERVICE

I hereby certify that, on the 21st day of June 2017, I served and filed the following document:

NOTICE OF TAKING DEPOSITION OF JOSEPH CONNOLLY

through the electronic filing system on the following parties:

Amato A. DeLuca, Esquire
DeLuca & Weizenbaum, Ltd.
199 North Main Street
Providence, RI 02903

Francis A. Connor, III, Esquire
Mark R. Fleury, Esquire
Barton & Gilman, LLP
10 Dorrance Street - Suite 700
Providence, RI 02903

The document was electronically served and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Signed under the pains and penalties of perjury.

ALYSSON M. GRAY

STATE OF RHODE ISLAND

PROVIDENCE, SS

SUPERIOR COURT
NO: PC-2013-3207

PATRICIA SCHIMIEDEKNECHT and)
WAYNE SCHIMIEDEKNECHT, SR.,)
Individually and as p.p.a. GRACE E.)
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ABDUL R. BARAKAT, M.D. and OCEAN)
STATE PAIN MANAGEMENT, P.C., et al)
Defendants)

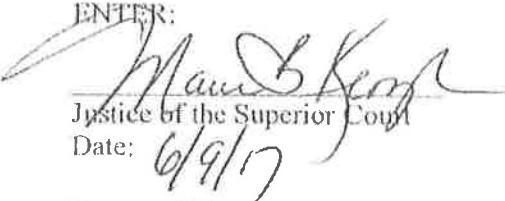
COMMISSION

This Court hereby commissions a Notary Public of the State of **Massachusetts**, or such other individual authorized to administer oath, to take the deposition of **Joseph Connolly** (Mansfield, MA), on oral examination under oath as a witness in the above-entitled action and to record stenographically and later reproduce in transcript form, questions, answers, and other proceedings of the deposition and to mark any and all exhibits made a part thereof. Said testimony is also expected to be transcribed for use at trial.

Said Notary Public or other individuals authorized to administer oaths by the State of **Massachusetts** is hereby required to take the deposition of **Joseph Connolly**, and to return the transcript of the same with a copy of this commission to: Alysson M. Gray, Capplis, Connors & Carroll, PC, 18 Tremont St., Suite 330, Boston, MA 02108.

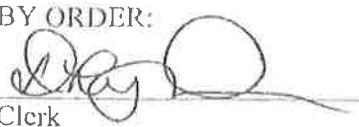
WITNESS the seal of the Superior Court for Providence County, Rhode Island.

ENTER:


Justice of the Superior Court
Date: 6/9/17

Presented By:

BY ORDER:


Clerk
Date:

/s/ Alysson M. Gray
ALYSSON M. GRAY, Reg. # 9285
Capplis, Connors & Carroll, PC
18 Tremont Street – Suite 330
Boston, MA 02108
(617) 227-0722
agray@ccclaw.org

Exhibit S:
**Order Issued by the Multi-District Litigation
Judge on July 5, 2017 in Massachusetts Federal
District Court**

Alysson Gray

From: Alysson Gray
Sent: Monday, July 31, 2017 8:11 AM
To: Alysson Gray
Subject: FW: Activity in Case 1:13-md-02419-RWZ In Re: New England Compounding Pharmacy, Inc. Products Liability Litigation Order on Motion for Clarification

From: ECFnotice@mad.uscourts.gov [mailto:ECFnotice@mad.uscourts.gov]

Sent: Wednesday, July 05, 2017 2:05 PM

To: CourtCopy@mad.uscourts.gov

Subject: Activity in Case 1:13-md-02419-RWZ In Re: New England Compounding Pharmacy, Inc. Products Liability Litigation Order on Motion for Clarification

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 7/5/2017 at 2:05 PM EDT and filed on 7/5/2017

Case Name: In Re: New England Compounding Pharmacy, Inc. Products Liability Litigation

Case Number: 1:13-md-02419-RWZ

Filer:

Document Number: 3416(No document attached)

Docket Text:

Magistrate Judge Jennifer C. Boal: ELECTRONIC ORDER DENYING [3381] Motion for Clarification; [3399] Motion for Clarification. After careful consideration of the parties' arguments, the Court denies the motion. Among other things, at the time that the Court issued the relevant orders, it did not anticipate that Judge Stearns would sever the criminal trials. In addition, the criminal charges against Cadden and Ronzio are not finally resolved at this time. Accordingly, the depositions of the FDA, Joe Connolly, John Notarianni, Rob Ronzio, and Barry Cadden shall continue to be stayed pending further order of the Court. (York, Steve)

1:13-md-02419-RWZ Notice has been electronically mailed to:

Stephen J. Brake sbrake@nutter.com, epleadings@nutter.com